

## Work, Pay and Education

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### ***What are the rules on work?***

The Prison Rules state that work is compulsory for convicted adult prisoners.

‘Useful work’ must be undertaken for a maximum of 10 hours per day.

Arrangements can be made for prisoners to work outside the cells and in association with one another, where possible. Unconvicted prisoners can choose to work as if they were convicted.

Work is graded by the type of labour, with No 1 being heavy, No 2 being medium and No 3 being light. No prisoner should be required to do work of a heavier type than their labour grade.

It is a disciplinary offence for convicted prisoners to refuse to work or to not work properly.

Article 4 of the ECHR, which outlaws forced labour is specifically excluded from applying in prison.

### ***Are there any exceptions?***

Prisoners who are ill may be completely excused from work by the medical officer or written off work for a stated period.

The Prison Rules state that arrangements are to be made to not require Christian prisoners to do any unnecessary work on a Sunday and for prisoners of other religions to not do

any unnecessary work on their days of religious observance.

### ***What are the rates of pay?***

The minimum weekly rates of pay are as follows:

- Unemployed – £2.50
- Employed – £4.00
- Short-term sick (sick for up to 4 weeks) – £2.50
- Long-term sick (sick for more than 4 weeks) – £3.25
- Retired/maternity leave/full-time childcare – £3.25
- Outside hospital allowance - £4.35 (60p a day)

Higher rates of pay are available under the Incentives and Earned Privileges Schemes.

Although unconvicted prisoners are not obliged to work, if they do so, they must receive the same rates as convicted prisoners.

Prisoners earning over the threshold for Income Tax and National Insurance are not exempt from payments.

Prisoners will only receive unemployment pay if they are willing to work but no work can be found for them.

### ***Can I be forced to participate in education?***

No, unless you are of compulsory school age.

The Prison Rules state that every adult prisoner who can benefit from

educational facilities is encouraged to do so, but it is not obligatory.

The Young Offender Institution Rules state that prisoners of compulsory school age must participate in education or training for at least 15 hours a week within the normal working week.

***How must prisons accommodate prisoners who wish to participate in education?***

Educational classes and reasonable facilities must be provided to prisoners who wish to improve their training by distance learning, private study and recreational classes, in their spare time outside work.

Prisoners with special needs shall be given extra help with education and, if necessary, allowed to be taught during hours normally allotted to work.

***Is education only permitted if you work?***

*PSO 4205 states that "Education programmes will, wherever possible, be integrated into other activities within prisons" which could be applicable to work.*

*PSO 4205 also states that "education is delivered on a predominantly part time basis" which also seems to indicate that work be carried out at the same time.*

***Who is eligible for the Open University (OU)?***

Prisoners on remand are not eligible for OU courses.

To apply for an OU course, prisoners must:

- Be a sentenced prisoner regardless of whether an appeal is underway or has been lodged
- Be able to demonstrate evidence of appropriate learning and attainment at or above National Qualification Framework (NQF) Level 2 through ILP records
- Be in receipt of appropriate Information Advice and Guidance
- Have a current Individual Learning Plan indicating OU or Distance Learning as a viable objective
- Have evidence of the required potential and motivation to complete a DL or Higher Education programme
- Meet the security screening requirements
- Have a successful application or be in receipt of adequate funding to pay for their DL or HE programme.

Applicants will then go through a 'sift' procedure in order to ensure their suitability for the programme before they can be accepted.