

# FORINER



# 2017

## FORINER Model and Recommendations

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Providing distance education for  
foreign national prisoners in their  
native language



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Erasmus+ Programme  
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The FORINER model and policy recommendations for providing distance education to foreign national prisoners was designed and developed by Vlaams Ondersteuningscentrum voor het Volwassenenonderwijs (VOCVO, Belgium) in close collaboration with partners, associated partners and our Advisory Board during the lifetime of the project.

We would like to express our great appreciation to all organisations and persons that have been involved in the FORINER project (e.g. by participating in our conference in October 2016, setting up a pilot project for exchanging education across borders, being a member of our Advisory Board, participating in the research). Besides, our special thanks go to the students who participated in the pilot projects.

And last but not least we would like to send our gratitude to the FORINER project partners and associated partners for their involvement and dedication during the two years of project implementation.

## Foriner partners

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## Associated partners

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# Table of contents

<b>The FORINER project</b>	<b>3</b>
<b>Why a European cooperation on distance education for foreign national prisoners?</b>	<b>5</b>
<b>Results of the Evaluation Report on the FORINER pilot projects</b>	<b>6</b>
3.1 The FORINER pilot projects	6
3.2 Organisational models for distance education	7
3.3 The diverse profile of Sending and Receiving Partners	9
3.4 Communication flows for enabling access to and participation in education for FNPs	9
3.5 Important insights derived from the pilot projects	12
<b>The FORINER Model: providing distance education for foreign national prisoners</b>	<b>13</b>
4.1 The diversity of implementation contexts in Europe	13
4.2 The structure of the FORINER Model	14
4.2.1 Overall structure	14
4.2.2 The ‘Sending’ function: providing educational offers to be used by FNP imprisoned in another country	16
4.2.3 The ‘Receiving’ function: implementing the learning offers for FNPs ‘sent’ by education providers from the FNPs’ home country	18
4.3 Access to education and to digital support in communication	20
4.4 Financial aspects	21
<b>Policy framework to improve provision of distance education for FNP</b>	<b>24</b>
Recommendations to the European Commission and non-governmental European organisations	24
Recommendations to national governments and national civil society organisations	26

# 1. The FORINER project

FORINER is a two-year project, launched in January 2016, funded by the European Commission under Key Action 3 “Forward-looking cooperation projects” of the Erasmus+ programme. This project aims improving the education available to foreign national prisoners (FNP), by providing them with access to education offered by their home country, while they are imprisoned in a foreign European country. This is of particular importance in view of the relatively high incidence of FNP in most EU Member States’ prisons. On average, FNP (of all nationalities) represent 21.7% of the prison population in European Union Member States.

While recognising that in practice many FNP come from countries outside the European Union (EU), the scope of the FORINER project was nonetheless limited to prisoners from within the EU – due to the limited funds and time at the project’s disposal but also in order to be of maximum value in the context of transnational aspects of inner-EU justice policy. In principle, however, and given the necessary resources, the results of the project and the approaches developed would also be transferable to the generality of FNP in Europe.

A consortium of four partners was formally involved in the European project FORINER:

- Vlaams Ondersteuningscentrum voor het Volwassenenonderwijs (VOCVO, Belgium) (project coordinator)
- Vrije Universiteit Brussel (VUB, Belgium)
- Stichting Educatie Achter Buitenlandse Tralies (EABT, the Netherlands)
- MegaNexus (United Kingdom)

The FORINER project has also enjoyed close cooperation with four associated partners:

- European Prison Education Association (EPEA)
- European Organisation of Prison and Correctional Services (EuroPris)
- Confederation of European Probation (CEP)
- Weston College (United Kingdom)

At the start of the project, VUB conducted research to investigate the educational opportunities of FNP and existing practices in the field of prison education (Brosens & De Donder, 2016). Key results of the research were as follows:

- Almost 50% of the respondents indicate that it is difficult to provide education to foreign European national prisoners, as they do not speak the language of the country where they are imprisoned sufficiently well;
- Almost 60% of the respondents indicate there are only limited or no educational materials available for foreign EU national prisoners, and that the financial resources to offer foreign prisoners education, are too limited;

- Scores for the availability of E-learning facilities and limited access to the internet are relatively high. However, only a small minority of the prisons allowed prisoners to have these ICT possibilities inside their cells.

A complete version of the Research Report on the educational participation of European citizens detained in a foreign European country can be accessed [here](#).

Since the beginning of 2016, the FORINER consortium has taken steps to build an effective European network, also stretching well beyond the consortium and associated partners, and advocacy activities have been carried out during the entire project duration. The project partners have investigated initiatives and good practices regarding the educational offer available to EU citizens detained in a foreign Member State. A project conference in London in October 2016 brought together organisations from twelve European countries interested in providing education to foreign prisoners in their native language. The FORINER partners initiated 15 pilot projects which were carried out between January and July 2017 to try out different ways of providing foreign national prisoners with education from their home country. In this way, the partners were able to test and examine a variety of approaches to facilitating distance learning for EU citizens imprisoned outside their home country.

## 2. Why a European cooperation on distance education for foreign national prisoners?

Many reasons can be advanced for giving foreign national prisoners access to distance learning from their home country. The FORINER partners selected the most relevant ones addressed during the course of the project. Together they form a solid rationale which would justify the future implementation of the FORINER Model on a European scale. Five such reasons stand out in particular:

1. Provision of educational opportunities is an important aspect of human rights. For example, in the EU context, Article 14 of the Charter of Fundamental Rights of the European Union provides that “Everyone has the right to education and to have access to vocational and continuing training”. There are, however, instances in EU Member States where FNP do not even formally have the same right to access education programmes as their host country counterparts;
2. Secondly, even where this human rights aspect is acknowledged in principle and formal equality of access is in place, FNP are often materially excluded from participating in educational programmes of the host country due to their absence of competence in that country’s language;
3. The personal and societal benefits of prison education, confirmed in numerous studies, also apply to foreign national prisoners. For them as for other inmates, education had the capacity to form a stepping stone in the pathway towards inclusion. On release, they too will be less prone to recidivism and have a more positive contribution to make to the community and society, for instance by being more prepared for the labour market, thanks to the competences and skills deriving from appropriate education and training during their sentence;
4. The investment in providing learning opportunities has been proven to pay off in terms of reducing the social and economic costs related to failure of effective rehabilitation. This applies just as much to FNP and warrants the necessary investment by both the home and host countries of the prisoner;
5. Education of FNP has an important role to play in implementing the Council’s Framework decision 2008/909/JHA on the mutual recognition of custodial judgments and the resulting transfer of prisoners: in cases where Member States do not succeed in transferring prisoners to their country of origin, or where this turns out to be a lengthy process, it is important to provide FNP with quality education from the home country during the intervening period of imprisonment in the host country.

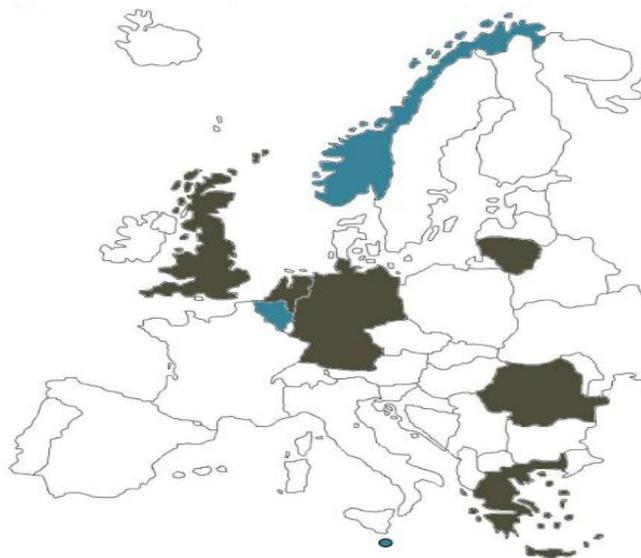
## 3. Results of the Evaluation Report on the FORINER pilot projects

### 3.1 The FORINER pilot projects

The European FORINER project has examined and tested in several small pilot projects how education for FNP can be organised, the common feature of the pilots being that education was provided by the home country of the FNP and received in the country in which they were imprisoned. The piloting phase took place from January to July 2017. Countries could opt to act as 'sending countries', meaning that they provided distance education to one or more of their nationals imprisoned in a foreign European country, and/or as 'receiving countries', i.e. countries receiving educational courses for foreigners detained within their correctional institutions. VOCVO coordinated these pilot projects and provided tools in support of the pilot project partners.

A scientific evaluation of the pilot projects was conducted by VUB between August and November 2017. In total, 15 pilot projects involving countries in various parts of Europe were conducted and evaluated, with 36 FNP receiving distance education in the framework of the projects as a whole. Partners in nine European countries were involved in the development and realisation of the pilot projects. There were six sending countries: Germany, Greece, Lithuania, the Netherlands, Romania and the United Kingdom. Partners in three countries received educational programmes for foreigners detained there: Belgium, Malta and Norway. 14 pilots were non-digital; only one digital pilot was carried out.

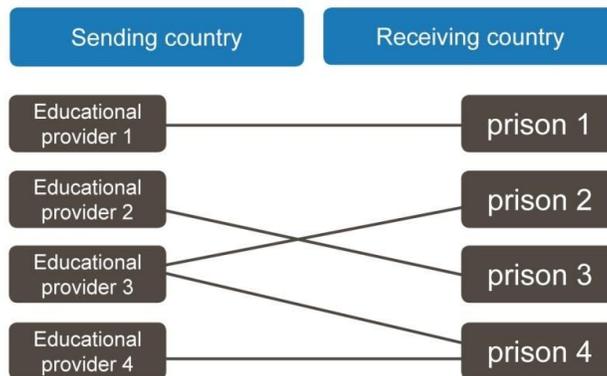
**Figure 1: Overview of the European countries involved in the pilot projects**



### 3.2 Organisational models for distance education

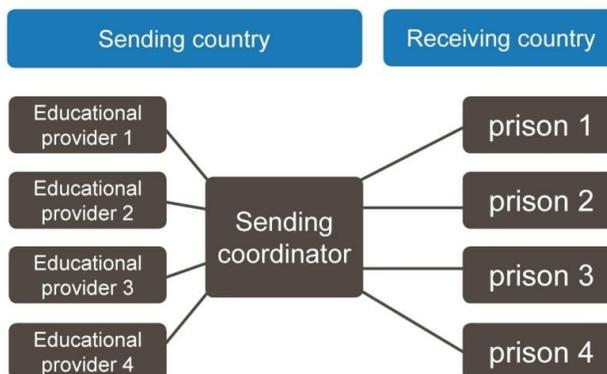
Four different organisation models for providing foreign national prisoners (FNP) with distance education were investigated. Each model embodies a different way of ensuring effective communication and collaboration between sending and receiving countries.

**Model 1** implies direct contact between an educational provider outside the country of detention and a contact person in the prison in the receiving country where education is to be provided for a FNP. In this case, there is no intermediary person or organisation.



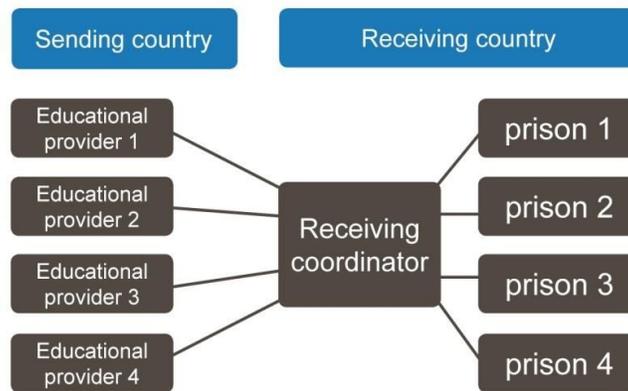
Model One: Direct contact

In **Model 2**, there is a coordinating organisation in the sending country (the “Sending Coordinator”) with an overview of relevant education providers in that country. Prisons in European countries interested in receiving educational offers for FNP in their care, can contact the Sending Coordinator which then has the task of contacting educational providers who can offer the appropriate course, meeting the needs of the student(s) in the prison of the receiving country.



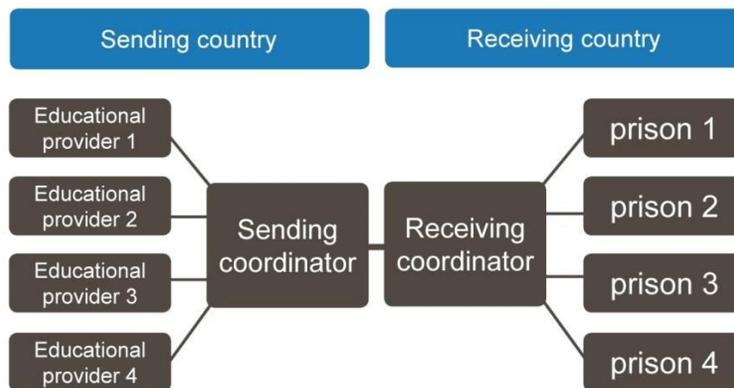
Model two: Sending coordinator

By contrast, **Model 3** dispenses with the “Sending Coordinator” but instead foresees an organisation (the “Receiving Coordinator”) responsible for coordinating the **incoming** offers of education which are of relevance for FNP in prisons in the receiving country. In this model, a prison in the country where a FNP is imprisoned can apply to the Receiving Coordinator in order to obtain the necessary educational offer from the “sending country” (generally the FNP’s country of origin), but there is no coordinating organisation in that country. Thus, when a prison informs the Receiving Coordinator about a FNP with a certain educational need, the Receiving Coordinator gets directly in contact with an appropriate educational provider in the sending country.



**Model three: Receiving coordinator**

In **Model 4**, there is both a Sending Coordinator and a Receiving Coordinator. This implies that there is an organisation in the sending country which has an overview of the offer of the various relevant educational providers, and an organisation in the receiving country which has contact with all local prisons. The Sending Coordinator informs the Receiving Coordinator about the educational offer of the different providers, while the Receiving Coordinator communicates with the coordinating organisation in the sending country about the educational needs of FNP in the prisons of the receiving country. In this model, it is the Sending Coordinator which contacts the educational provider to find an appropriate educational offer for its country’s FNPs abroad.



Model four: Sending and receiving coordinator

### 3.3 The diverse profile of Sending and Receiving Partners

The piloting phase revealed diverse profiles of Sending and Receiving Partners. Some already had experience with prison education, while others did not. Nevertheless, most of the Sending Partners did not have experience with sending education to nationals detained in another European country. Also most Receiving Partners has not been involved in receiving educational offers from an educational provider located in another country before. In addition, some Sending Partners used existing educational materials, whereas others developed or adjusted courses specifically for use in the FORINER project. The research also showed that some partners involved in prison education were educational organisations under the responsibility of the Ministry of Justice or even departments of the Ministry, while others fell under the responsibility of the authorities in the educational sector.

### 3.4 Communication flows for enabling access to and participation in education for FNPs

During the pilot project phase, and irrespective of whether there was a coordinating organisation in the sending and/or receiving country, four different communication flows were observed by the VUB in the field trials relating to the educational process as such. The communication process took place both online and through postal mail, its purpose being to:

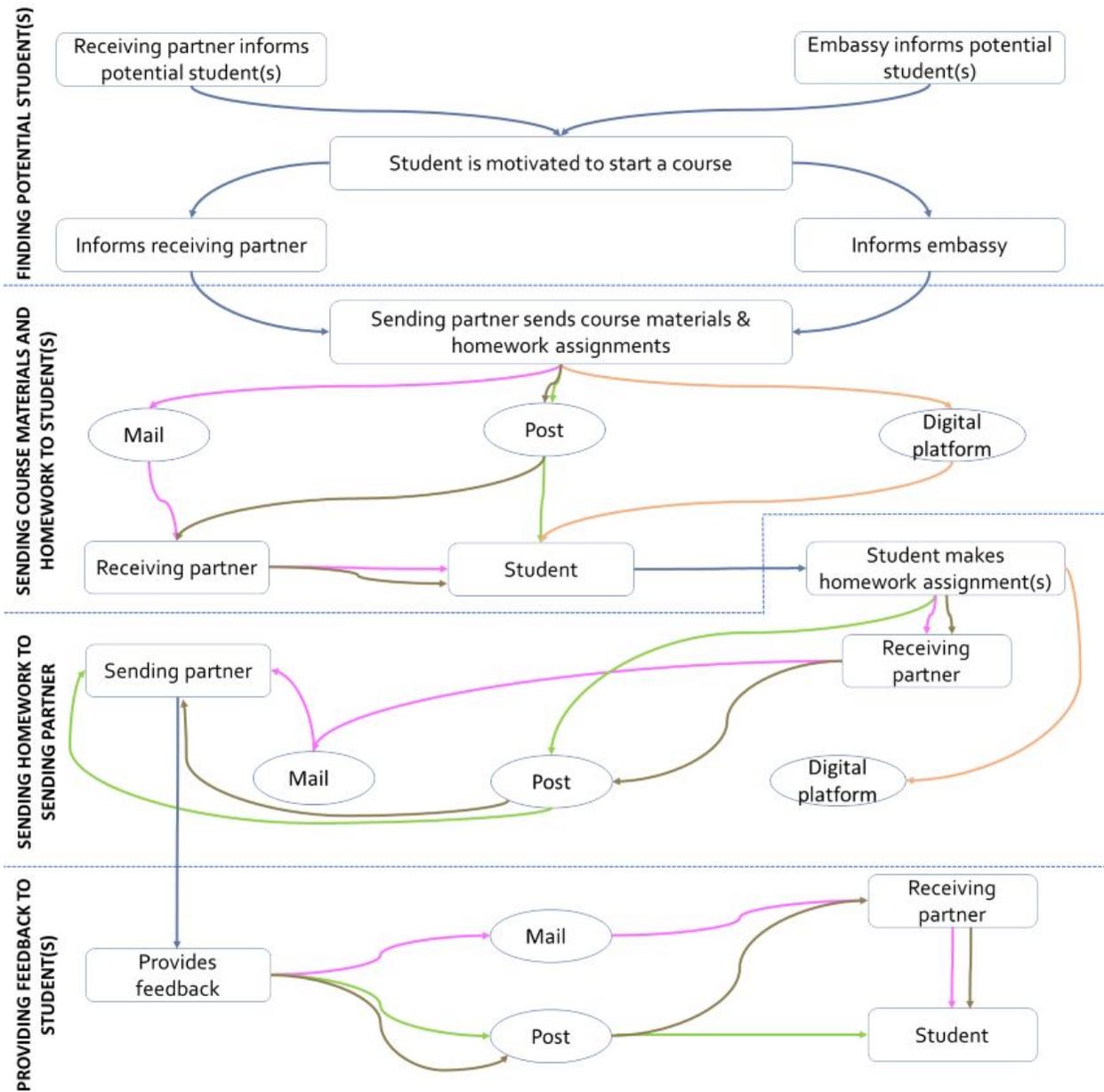
1. Find and reach potential students in receiving countries: the Receiving Partner had to find FNP interested in following a course from their home country<sup>1</sup>. Once found, the

<sup>1</sup> The term 'home country' is used here for simplicity's sake. In practice, the appropriate educational offer can come from a provider in any country using the language of the FNP's home country. Thus, for example, there may be providers in Ireland which produce educational courses suitable for use by British prisoners detained in a non-English-speaking country.

Receiving Partner contacted the Sending Partner with the request to send educational materials to the student;

2. Send course materials and homework assignments to the students in receiving countries: education providers sent materials and homework:
  - by post, either directly to the student or through the Receiving Partner;
  - by email through the Receiving Partner to the student; or
  - by means of a digital platform directly to the student;
3. Send homework assignments back to the Sending Partner who provided the course: as in the second flow, students sent their homework to the Sending Partner:
  - by post (either directly or via the Receiving Partner);
  - by email through the Receiving Partner to the Sending Partner; or
  - the homework assignments were corrected on the digital platform;
4. Provide feedback from the Sending Partner to the students in the receiving country:
  - by post;
  - by email via the Receiving Partner by post or email.

**Figure 2: Communication flows used in the field trials**



### 3.5 Important insights derived from the pilot projects

The complete Evaluation Report on the pilot project phase can be accessed [here](#). Its main findings may be summarised as follows:

- The most important motives of students for getting involved in the learning offers provided by the pilots were to acquire knowledge and skills by following a distance course from their home country and thereby preparing for life upon release;
- Communication between professionals with a view to starting cooperation is very important but also challenging. Providers and receivers from different countries need to find each other and decide about how to work together most effectively. Based on the experiences of the FORINER pilot partners, it seems easier for Receiving Partners to initiate cooperation. The Receiving Partners know about the FNP and their educational needs. When they have an overview of the educational offer of potential Sending Partners, they are well placed to contact the appropriate Sending Partner;
- There is a need for an information point or database with information about the educational offer of the different European countries and the contact details of the organisations which can provide it, in order to make it possible for receiving countries to identify the educational offer suitable to the needs of interested FNP in the receiving prison;
- Sending countries need information about the countries and prisons where their nationals are detained, in order to cooperate with these receiving countries and prisons and to provide the FNP with appropriate distance education;
- Post and email support the cooperation and communication necessary between countries for the purpose of providing course materials, homework and feedback. A digital learning platform can also be an effective tool for communication and exchange of materials, but this is very challenging in the prison context;
- During the digital pilot project, many technical issues were identified which needed to be addressed, such as the safety requirements of both the sending and receiving country;
- There is a need for assessment of interested students by the Sending Partner, in order to fit the needs and competence level of the student;
- Students need content support, instrumental support and motivational support to start, continue and finish a course. Support by the Sending Partner was found to be difficult due to the lack of direct contact with the student. In future work in this field, it is therefore recommended to pay careful attention to optimising communication between Sending Partners on the one hand and students in the receiving country on the other;
- The students who participated in the pilot projects were very satisfied with the courses they were provided with and many of them would follow another course in the same manner, if they had the opportunity.

## 4. The FORINER Model: providing distance education for foreign national prisoners

### 4.1 The diversity of implementation contexts in Europe

In operational terms, the main objective of the FORINER project was to examine alternative approaches and, if possible, design a more broadly applicable model for implementing distance education for foreign national prisoners (FNP). This could then serve as a reference point for stimulating European cooperation between EU Member States in this field

However, the FORINER research and piloting activities have confirmed **the wide variety of detention and educational contexts** in the different European countries, at the level of both policy and operational implementation. This applies not only to the national legal framework, but also to national policy, practice and the level of priority given to the topic in a specific country or region. This relates for example to such key issues as the basic provision of education and training in prisons. Also – and in the context of FORINER this is of special importance – there is the extent of progress made with regard to the digital infrastructure and digital access regulations in prisons. This diversity must be taken into account in proposing the way forward on educational programmes for FNP.

The dual advantage of the “FORINER Model”, developed within the project, is that it is both operationally sound and at the same time flexible enough to fit into the multiplicity of national and regional contexts across Europe. With the full involvement and support of national stakeholders, the “FORINER Model” can be appropriately adapted, adjusted and fine-tuned to fit the needs of the widely varying national and local situations, as regards both detention and educational provision.

To be truly effective, such a model would need to be applicable across the entire European Union (and potentially beyond), and it could only achieve its full potential on the basis of cooperation and the acceptance of shared responsibility between all the Member States in addressing foreign national prisoners’ educational needs. At the same time, gradual implementation would be perfectly possible, involving an increasing number of countries over time.

## 4.2 The structure of the FORINER Model

### 4.2.1 Overall structure

In the light of the pilot projects conducted (see Section 3 above) and the accompanying research activities, the FORINER project has given rise to an operational model for pan-European cooperation based on two fundamental principles:

- In a shared sense of common commitment to the improvement of education for FNP, the each European country needs to accept responsibility for playing an active role in providing learning opportunities **both** for the **foreign nationals** detained in its prisons **and** for its **own nationals imprisoned abroad**. In other words, on the basis of reciprocity across Europe, each country needs to feel a sense of **‘ownership’ of the model in ‘both directions’ – <sup>2</sup>both as a ‘sender’ and as a ‘receiver’ of educational offers**;
- To be effective, the model requires commitment **both at the local or delivery level** (education providers as Sending Partners, and prisons as Receiving Partners) **and at the system level** (organisations acting as Sending and Receiving Coordinators).

Based on these principles, the FORINER Model consists of four key elements to be applied in each European country:

	<i>Delivery Level</i>	<i>System Level</i>
<i>Country as Sender</i>	<b>Sending Partner (Education provider)</b>	<b>Sending Coordinator (Prison with FNP)</b>
<i>Country as Receiver</i>	<b>Receiving Partner</b>	<b>Receiving Coordinator</b>

All four functions (Sending and Receiving Partners, and Sending and Receiving Coordinators) are vitally important. At the ‘delivery level’, as described in Section 3 above, the Sending and Receiving Partners will ensure the provision of educational offers suited to FNPs’ learning needs and the implementation of these offers in the context of the local prison. Equally important is, however, the ‘system level’, where national authorities need to ensure effective coordination of the country’s function as a provider of educational offers for its detained citizens abroad and as a receiver of educational offers for the FNP detained in the prisons within its jurisdiction.

For an efficient and qualitative delivery of distance education to foreign national prisoners on the basis of the FORINER Model, it will therefore be vital to have a strong sense ownership or

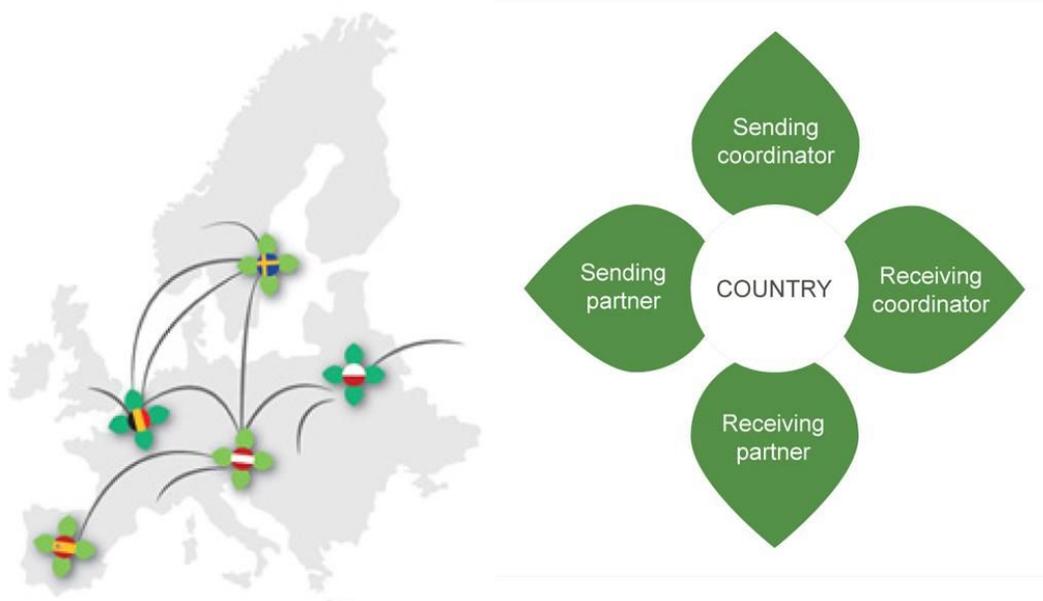
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<sup>2</sup> The Dutch authorities in particular have developed this two-directional sense of responsibility and the FORINER Project strongly advocates the adoption of a similar stance by other countries (see Recommendations in Section 5 below). Hitherto, most countries have largely neglected their educational responsibility towards their own nationals detained abroad.

responsibility at **national level**. This **national ownership** involves not only the ‘local’ or ‘delivery level’ – finding Sending and Receiving Partners and encouraging them to cooperate – but also the ‘system level’ by establishing and maintaining the necessary coordination arrangements.

Furthermore, a strong sense of ownership is also needed at the **European level** to ensure that significant impact on a European scale can be attained. This means creating a policy framework on cooperation across borders, but also providing the necessary ongoing support for the European networking of the Sending and Receiving Coordinators. . While testing the different approaches for providing distance education set out in Section 3 above, the FORINER consortium came to the conclusion that a lightly coordinated European network of national **coordinating bodies** or entities responsible for constructive cooperation between Sending and Receiving Partners, would create significant added value in implementing the FORINER Model.

**Figure 3: Basic principles of the FORINER Model**



In the following sections, the four key elements of the FORINER Model are explained in more detail, indicating some options on how to implement them nationally based on the FORINER research activities and insights gained during the project.

#### 4.2.2 The ‘Sending’ function: providing educational offers to be used by FNP imprisoned in another country

Within the FORINER Model, each European country has the function of helping to improve the learning opportunities available to its citizens detained in prison in another European country. We call this the country’s “sending” function. It is carried out by two agents: the “Sending Partner” (generally an education provider) responsible for producing / providing educational offers suitable for use by the country’s citizens imprisoned abroad, and the “Sending Coordinator”, an organisation responsible to the appropriate national authorities for bringing together the offers from the Sending Partners and making them more readily accessible to the end users abroad. The same organisation may or may not exercise the function of Receiving Coordinator (see below).

##### The “Sending Partner”

The term “Sending Partner” refers to **an education provider located in the country of origin** (most often, but not necessarily) of the foreign national prisoner. The role of the Sending Partner can for example be taken on by:

- a public or private education provider for adult education
- a publicly funded centre for adult learning specialising in prison education
- a higher education institution.

Within the FORINER Model, the main tasks and responsibilities of the Sending Partner are as follows:

- to provide information about each educational (course) offer, in the language of the sending country. Prisoners need a minimum of information about the course offer, such as target group, certification possibilities, costs of the course, duration of study, learning goals and skills they can acquire. The information should also indicate whether or not feedback on the students’ learning progress will be provided;
- to provide the Receiving Partner with detailed information about the educational offer before the start of the course, in a mutually acceptable language;
- to provide an appropriate assessment of the student’s learning needs in the language of the student before starting the course. This will necessitate an investigation of the student’s educational background, competences and interests. Wherever possible, this assessment should refer to the European Qualifications Framework (EQF), in order to arrive at a clearer understanding of the student’s situation and to be able to compare qualifications awarded in different countries and by different education and training systems;
- to ensure registration of the student abroad at the school or organisation (in this case a prison) where the course is being offered. Communicating the administrative requirements to the student as well as to the Receiving Partner is of great importance in this regard;

- to provide the student, once a course has started, with support on the content of the course and on the selection and provision of the study materials (i.e. instrumental support);
- to provide the student with the necessary motivational support. Such support is of the utmost importance. Although it is mostly the responsibility of the Receiving Partner to ensure that it is provided, the Sending Partner can often play an important role too. If feedback and assessment during and after the course are foreseen, this should again be in line with the European Qualifications Framework. It is important for the Sending Partner to guide the student through the learning process. In case the level of the course turns out not to match the student's abilities or requirements, the Sending Partner can re-orientate the student towards another course or advise about another Sending Partner which may be in a position to meet the needs of the student. In addition, Sending Partners should organise training for their staff in order to create and stimulate professionalism and skills related to distance education for FNP.

### **The “Sending Coordinator”**

As mentioned above, the project has come to the conclusion that a certain degree of coordination at system level is necessary for the effective structural implementation of the FORINER Model. This applies also as regards a country's function as a “sender” of educational offers for its citizens imprisoned abroad. What is needed is therefore a “Sending Coordinator”, i.e. an organisation which operates within a given country as as the coordinator of a national network of Sending Partners (see above) and thus overarches all Sending Partners. The Sending Coordinator supports the transnational cooperation between sending and receiving countries. The function of Sending Coordinator can be exercised by the Ministry of Education or be delegated by the Ministry to another national coordination body.

Within the FORINER Model, the main tasks and responsibilities of the Sending Coordinator are as follows:

- to have a clear overview of all interested Sending Partners and course offers;
- to encourage more education providers to disclose their course offer and make it available for the country's nationals imprisoned in other countries;
- to inform and communicate with Receiving Coordinators (see below) about the course offer and to start new collaborative links with other countries;
- to promote the offer of the Sending Partners, also in particular by communicating and cooperating with the sending country's embassies in reaching the country's citizens imprisoned abroad;
- to build mutual trust by designing partnership agreements to be used for the cooperation between countries. Such agreements, generally to be developed in cooperation with the Receiving Coordinators in the foreign countries concerned, should cover all aspects of cooperation, including national privacy regulations, financial responsibilities and safety of ICT-services;

- to ensure the quality of the course offer. This involved verifying the design and content of the educational offer of the Sending Partners. It is highly recommended for the Sending Coordinator to work only with Sending Partners who provide high quality education;
- to facilitate communication between Sending and Receiving Partners. Although in most cases Sending and Receiving Partners communicate directly, the Sending Coordinator can act as a mediator and facilitator when communication between partners is difficult. Not only should the Sending Coordinator act in case of communication problems, but all issues reported or suggestions signalled by Sending Partners, should be taken up for further action.

#### 4.2.3 The ‘Receiving’ function: implementing the learning offers for FNPs ‘sent’ by education providers from the FNPs’ home country

On the reverse side of the FORINER coin, i.e. alongside its responsibilities as a “sender” of educational offers designed to help improve the learning opportunities available to its citizens detained in prisons in another European country, each country has the parallel function of ensuring that these offers find their way to the end users, namely the FNPs detained in its prisons, and are successfully implemented at the level of the local prison. This “Receiver” function is carried out by two agents: the “Receiving Partner” (a prison or similar institution) responsible for local implementation of the educational offers for the FNPs, and the “Receiving Coordinator”, an organisation responsible to the appropriate national authorities in its country for receiving offers obtained from the Sending Coordinators in other countries and for channelling and distributing them to the relevant Receiving Partners. The same organisation may or may not exercise the function of Sending Coordinator (see above).

##### The “Receiving Partner”

Receiving partners are organisations in the country where the foreign national prisoner (FNP) is detained. The role of the Receiving Partner can, for example, be taken on by:

- a prison, which receives educational material for the FNP(s) concerned
- an organisation working in prison with FNPs
- an organisation responsible for prison education in the receiving country.

The key tasks and responsibilities of the Receiving Partner are as follows:

- to familiarise itself with the profile and learning needs of the specific FNP;
- to initiate cooperation with a sending country interested in sending educational materials;
- to explore the course offers of Sending Partners based on the information they provide;
- to provide an appropriate learning infrastructure and environment for the student. This includes facilitating the logistics based on the needs required by the Sending Partner, such as the need for computer access. In this regard, the type of distance education

provided by the Sending Partner, can affect the (non-)availability of the course to the prisoner due to infrastructural limitations;

- to facilitate (where it is clear that the learning infrastructure meets the requirements of the course offer) communication between the Sending Partner and the student (information about course content, feedback for the student on homework assignments etc.);
- to provide the students with practical and motivational support. Notwithstanding the primary responsibility of the Sending Partner in this regard, the Receiving Partner can and should play an important supporting role in following up on the students and their progress and stimulating them to continue with the course. The Receiving Partner can do this directly, or outsource the task, for example to a teacher or volunteer working in prison;
- to ensure privacy protection. No personal data of the student may be communicated without the prisoner's consent. When the Sending Partner requests extensive information about the student, for example for the purpose of registration for the course, the Receiving Partner should communicate solely with the Sending Partner and provide a strict minimum of information needed.

### **The “Receiving Coordinator”**

The exercise of ‘ownership’ on the receiving side should also be reflected in the designation of a “Receiving Coordinator”, i.e. an organisation which coordinates at national level the receipt (via the respective Sending Coordinators) of educational offers from abroad destined for use by FNPs at prisons in that country. In this regard, the Receiving Coordinator overarches a network of Receiving Partners. The function of Receiving Coordinator can, for example, be exercised by the Ministry of Justice itself, or the prison service, or another organization nominated by the appropriate national authority such as an institution responsible for prison education or adult education in general.<sup>3</sup>

Within the FORINER Model, the main tasks and responsibilities of the Receiving Coordinator are as follows:

- to cooperate with Sending Coordinators for the purpose of providing distance education for FNP;
- to promote mutual trust by designing, in collaboration with the Sending Coordinators, partnership agreements to be used for the cooperation between countries, concerning such issues as national privacy regulations, safety of ICT services in prison and financial responsibilities;
- to ensure close communication with the Sending Coordinators as a matter of shared responsibility;

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<sup>3</sup> In practice, the role may be performed by several organisations designated for this purpose, particularly in larger countries, but in the interest of clarity we refer in this document to just one ‘Receiving Coordinator’ per country.

- to provide potential Receiving Partners from its network with the available course offer, based on the needs of the FNP population in the prisons;
- to facilitate and mediate communication between Sending and Receiving Partners, for example when problems occur or when the Receiving Partner needs support;
- to take appropriate action with regard to issues raised or suggestions made by Receiving Partners;
- to provide Receiving Partners with support in receiving digital education. Many distance education courses are provided digitally and it is of great importance that the Receiving Partners receive the necessary help on infrastructural issues and safety considerations.

### 4.3 Access to education and to digital support in communication

The results of the field trials research within the FORINER Project showed that it is important to distinguish three levels of online or digital support for the communication flows when referring to the cooperation between sending and receiving countries and the methods of transferring of the educational offer to the FNP. The lack of internet access in many prisons forces the Sending and Receiving Partners to think of new ways to establish communication between teacher and student.

#### Level 1: Direct online access

The preferred way of working advocated by the FORINER project is direct access for the student (prisoner) to online information and online courses provided by Sending Partners, and the possibility for the student to communicate online with the Sending Partner. For this approach, (secured) internet access is required. Direct online access by FNP to the education provider's learning platforms, is identical to the way learners outside prison are provided with online distance learning, without adjustments to the courses being necessary. This manner of working, however, is dependent on the ICT possibilities and infrastructure of the Receiving Partner, as well as the safety requirements of the Receiving Partner's country. As mentioned above, registration of the FNP participating in a course is required and in addition, some courses come with a cost. Despite the direct online accessibility to courses, there is thus always contact between Sending and Receiving Partners before starting a course.

#### Level 2: Indirect online access

If direct online access is not possible, the Receiving Partner can support the prisoner in accessing online learning platforms and act as an intermediary in online communication between teacher and student. To facilitate indirect access to online courses and communication, the FORINER consortium recommends the creation of a central European prisoner learning platform. Such platform could include many elements, such as:

- contact information of Sending and Receiving Partners and Coordinators who are interested in improving educational provision for FNPs;
- communication facilities for partners (forum and chat functions etc.);

- static course material (pdf files, videos, audio fragments etc.);
- information about existing partnerships and good practices.

If a central learning platform is developed, Sending and Receiving Partners and Coordinators should have access to all areas of the platform. The Sending Partners decide whether their course is available without registration or participation fees. It is of great importance that the Sending Coordinator examine the quality of the courses uploaded by the Sending Partners. FNPs would have the possibility to access only the area with the course material of their country of origin.

Of course, the development, hosting and managing of the central platform would incur costs. Nonetheless, there are already existing platforms available, such as the EPALE platform of the European Commission or the platform of the European Prison Education Association (EPEA), not to mention various national platforms for the delivery of prison education which could be used as starting points for the development in countries such as Germany (E-Learning im Strafvollzug - ELIS), Belgium (Prison Cloud) or the UK (Virtual Campus). The idea of having FNP access the platform for course materials, has the largest cost implications of the three Access Levels set out in this section, given the safety requirements necessary for enabling access to the platform in prisons.

### **Level 3: Offline access**

Where Sending Partners do not have digital courses or online learning platforms, but nonetheless wish to send course materials to students imprisoned abroad, Sending and Receiving Partners need to agree about how to exchange the materials. Although communication can still go through the platform as mentioned in Level 2 above, course materials can be send by post or e-mailed by the Sending Partner and printed by the Receiving Partner. Similarly, homework assignments and feedback are provided through post or e-mail. When using postal shipping methods, there are modest additional costs as set out in Section 4.4 below.

## **4.4 Financial aspects**

During the FORINER project, direct costs were covered by the project's funds and resources or were paid for by the partners themselves, given the temporary and experimental nature of the activities. However, in the event of real implementation of the FORINER Model, solutions will need to be found for covering a number of cost items relating to the improved provision of education for foreign national prisoners (FNP) via the proposed system of Sending and Receiving Partners, and Sending and Receiving Coordinators. These include notably:

## **Countries' "sending" function**

- Concerning the participation fee for the course, it is recommended that the cost is determined by the Sending Partner, applying the same rules for FNP as for the students of the sending country following the same course (and that adherence to this principle is monitored by the Sending Coordinator). When such a fee is required, it should in principle also be payable by the FNP. However, in order to overcome the deterrent effect of such a charge, it is recommended that the Sending Coordinator cover the costs for all courses sent to the country's citizens detained abroad. In other words, the Sending Partner should be reimbursed for the course by the Sending Coordinator, not by the individual FNPs. Similarly, where course materials are paper-based, shipping costs should also be reimbursed to the Sending Partner by the Sending Coordinator. At the very least, these 'direct' costs will therefore need to be covered by the national authorities via the funding arrangement for the Sending Coordinator.
- Certain 'indirect' costs are also involved. For example, providing detailed information to FNP and Receiving Partners about courses, as well as following students' progress with ongoing courses and managing collaborative links, are also tasks which require time and therefore staff expenditure by the Sending Partner. The same is true of costs resulting from the further training of staff with a view to improving their professionalism and skills related to providing distance education for FNPs. As with the direct costs itemised above, it is vital that these costs be offset by subsidies from national authorities if the model is to be implemented effectively.

## **Countries' "receiving" function**

- The costs of implementing the improved educational offers for FNPs resulting from the FORINER Model at the level of the local prison, should be marginal (for example the cost of mailing completed homework assignments back to the Sending Partner) and will normally form part of the regular education services budget of the prison. Similarly, the cost of providing basic ICT services and infrastructure will be covered by the prison's regular budget.
- The creation of a unified digital learning platform for use in prisons would require significant additional funding, though in several countries such provision is already foreseen. The additional costs resulting from ensuring international interoperability and multilingual provision, would need to be carefully analysed by appropriate experts.
- As regards indirect costs, the tasks and responsibilities of the Receiving Coordinator set out above represent time inputs by staff of the organisation concerned, and these will need to be covered by the relevant national authorities.

Due to the limited scope and time-span of the FORINER project and the limited number of Sending and Receiving Coordinators involved, no attempt has been made to assess the total costs which would result from large-scale implementation of the FORINER Model. This will need to be the subject of analysis in future projects. Experience from the FORINER pilot projects suggests that they would be comparatively limited in most countries. What is certain is that in terms of overall investment, as confirmed by numerous previous studies, the costs would be far outweighed by the returns resulting from the reduction in recidivism which can be achieved through improved prison education – in terms of reduced costs of imprisonment but also the accompanying reduction in costs to society caused by crime – not to mention the other positive effects at an individual level.

## 5. Policy framework to improve provision of distance education for FNP

The key elements of the FORINER Model are not easy to implement from one day to the next. Although they are all pertinent, the project findings have shown that many barriers and obstacles exist in order to prevent these elements from being implemented. At the same time, the practical and operational aspects of the model can only function well if they are embedded within a policy framework designed to facilitate their effective implementation.

As a necessary complement to the FORINER Model, the project partners have therefore also formulated a set of policy recommendations at European and national level to underpin the exploitation of the FORINER results. The FORINER Model and the FORINER policy recommendations cannot be seen apart from one another. The recommendations have been carefully chosen to fit the need for structural implementation in very diverse contexts. The room for flexibility in the recommendations will facilitate tailor-made implementation of the FORINER Model in the specific but varying national situations regarding prison – and prison education – policy in the different EU Member States.

### Recommendations to the European Commission and non-governmental European organisations

To optimise the impact of the FORINER project results, we recommend the European Commission to develop one central strategy on distance education for FNP across the European Union and to do everything in its power to ensure its adoption by the Member States. A central strategy is indispensable for making real progress on this issue in Europe as a whole. The FORINER Model is designed as a pan-European cooperation model and thus requires cooperation of all Member States in order to attain maximal impact.

Accordingly, the European Commission is urged to develop **a comprehensive European strategy on distance education for FNP** and to promote the adoption by national governments of those aspects falling within Member State responsibility. Such a strategy should encompass action on all aspects which are of importance to the implementation of the FORINER Model. To this end, the Commission is specifically urged to take the following measures:

1. Provide a framework to ensure that **each Member State accepts responsibility** both for the education of FNP within its custodial estate and for the education of its own citizens who are detained in prisons abroad. This framework should **lead to national strategies** on education for (outgoing and incoming) FNP in all Member States;

2. Promote the development of a **positive learning environment**<sup>4</sup> in prisons in all Member States. A positive learning environment is essential for motivating FNP to take part in educational activities and stimulate positive learning outcomes;
3. Encourage improvements to prison education, especially for FNP, in the context of monitoring the **implementation of Council framework decision 2008/909/JHA**;
4. Facilitate appropriate **internet access for educational purposes** in all prison environments in Europe;
5. Create a European standard on **minimum requirements for ICT facilities and ICT security** in prisons;
6. Organise an ongoing structured **exchange of experience regarding distance learning online platforms of (prison) education providers** in the Member States with a view to ensuring interoperability between them as a basis for delivering education opportunities for FNP across the EU;
7. Facilitate a **central European prisoner learning online platform**:
  - allowing professionals in prison education to contact each other and exchange good practices;
  - allowing professionals in prison education and prisoners to access educational materials (for example pdf documents, videos, audio fragments etc.);
  - providing information about existing (prison) learning platforms in the European countries;
  - providing secure access to existing (prison) learning platforms in European countries with standardised security restrictions that have been agreed upon by all Member States;
8. Provide **guidelines for embassies** of EU Member States on how to facilitate education for their nationals detained in the country where the embassy is located;
9. Facilitate **sustainable collaboration** between Member States and all relevant stakeholders regarding education for FNP, for instance through European cooperation networks;
10. Initiate a **European process for policy dialogue** based on the Open Method of Coordination designed to improve Member States' performance on prison education within the overall framework of detention conditions, comprising indicators and benchmarks, peer review, evidence-based analysis and regular reporting;

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<sup>4</sup> Examples of how to realise a positive learning environment are the provision of suitable classrooms and educational equipment, motivational support from prison staff, financial compensation for absence at work during educational activities, combining educational activities with other basic provisions in prison such as the workplaces, cultural activities, sports, daily prison regime activities etc. Creating a positive learning environment also includes taking care of basic needs of prisoners, such as access to showers and other hygiene provision, privacy, proper food, visits and time out of cell.

11. Boost support for FNPs' education in the framework of **European programmes**, notably by:

- Increasing the attention given to detention conditions and in particular prison education in the next phase of the **Justice Programme**, with particular emphasis on Member States' common responsibility for FNP;
- Encouraging Member States to avail themselves more widely of the opportunities for supporting prison (and especially FNPs') education in the operational programmes under the **European Social Fund**;
- Enhancing the funding opportunities for prison education cooperation in the framework of the next phase of the **Erasmus+ programme**;
- Exploiting the opportunities offered by the **Electronic Platform for Adult Learning in Europe (EPALE)**, funded by *Erasmus+*, as a means of networking all persons and organisations interested in the issues addressed by FORINER.

## Recommendations to national governments and national civil society organisations

In conjunction with the overall strategy development at European level, the FORINER project partners recommend the national governments in the EU Member States to develop a **national strategy on distance education for FNP**. This national strategy should be a translation of the European strategy into national policy, in accordance with the national detention and educational context. It should cover education both for FNP in the country's custodial estate and for its own nationals imprisoned as FNP in facilities abroad.

Such a strategy should encompass action on all aspects which are of importance to the implementation of the FORINER Model and which fall within the competence of the Member States. To this end, each national government is specifically urged to take the following measures:

1. Acknowledge and actively embrace its **dual responsibility** both for the education of FNP within its custodial estate and for the education of its own citizens who are imprisoned in facilities abroad.
2. Oppose any tendency to reduce the quality of detention conditions, including notably the provision of education in prison, as a means of avoiding the repatriation of its country's prisoners pursuant to **Council framework decision 2008/909/JHA**.
3. **Eliminate any discrimination against FNP**, compared with other prisoners, in terms of formal permission to access educational opportunities.
4. Ensure the development of a **positive learning environment** in all prisons. A positive learning environment is essential to motivate FNP to take part in educational activities and stimulate positive learning outcomes.

5. Ensure appropriate **internet access for educational purposes** in all prisons, in particular by meeting the European standard on **minimum requirements for ICT facilities and ICT security**.
6. Enable FNP to have **access to digitally available educational programmes from abroad**, including notably those accessible from the central European prisoner learning platform.
7. Issue **guidelines for its country's embassies** in other EU Member States on how to facilitate education for their nationals detained in the country where the embassy is located.
8. Install **national coordinating structures** responsible for distance education both for FNP in the country concerned (Receiving Coordinator) and for the educational needs of the country's citizens detained abroad (Sending Coordinator).
9. Formally entrust these structures with the **national implementation of the FORINER Model** both on the sending and the receiving side<sup>5</sup>. These functions may be assigned to one and the same body if appropriate.
10. Ensure the drawing up of a **catalogue of education providers** ("Sending Partners") validated nationally as fulfilling the necessary standard for operating in prisons.
11. Exploit the funding available from the European Union more effectively in order to improve educational provision for FNPs, notably by:
  - Making greater use of the opportunities for supporting prison (and especially FNPs') education in the operational programmes under the **European Social Fund**;
  - Encouraging organisations to make greater use of the funding opportunities for prison education cooperation in the framework of the **Erasmus+** programme, in particular as regards Strategic Partnerships (Key Action 2) as a means for further testing of the FORINER Model but also mobility opportunities (KA1) for prison education staff;
  - Exploiting the opportunities offered by the **Electronic Platform for Adult Learning in Europe (EPALE)**, funded by *Erasmus+*, as a means of networking all persons and organisations in the country interested in the issues addressed by FORINER.
12. Continuously **evaluate the implementation of the national strategy** and aspire to full implementation of the FORINER Model across Europe.

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<sup>5</sup> 'Sending' refers to organisations sending education to citizens abroad; 'receiving' refers to organisations receiving education offers from abroad for FNP detained in their custodial facilities.

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