



# Why Can't I Study for a Degree in Prison in New Zealand?

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## RESEARCH ARTICLE

### ABSTRACT

This article documents endeavours to establish a higher education program for incarcerated learners in Aotearoa New Zealand. Presently, prisoners serving lengthy sentences in the country are precluded from obtaining a degree while in custody, which is in stark contrast to other jurisdictions with comparable penal systems. This study examines the challenges of implementing higher education programs in prisons in Aotearoa New Zealand and draws on the authors' experiences to identify potential solutions. Two solutions were considered: a combined universities approach, which involved sharing the costs and efforts of creating a degree program for incarcerated learners among the country's eight universities, and an instance of the Inside-Out Exchange program. However, both of these solutions were impeded by practical and logistical obstacles, including the arrival of the COVID-19 pandemic. Although the initiatives suggested in this study offer promising solutions to these challenges, their implementation has been hindered by practical and logistical difficulties. However, it is argued that it is imperative for policymakers and stakeholders to prioritise the establishment of sustainable and effective higher education programs in prisons, which have the potential to promote social equity and justice. To this end, the authors propose a single university applying for funding to establish and deliver higher education programs in prisons as a practical and viable solution. Policymakers and stakeholders are urged to take action towards realising this proposal, with a view towards creating a more equitable and just society.

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Higher education in prisons has the potential to transform the lives of incarcerated learners and society at large. By providing access to such educational opportunities, learners can gain valuable knowledge, skills, and qualifications that enhance their employability upon release from custody. In contrast to vocational training, higher education fosters critical thinking, communication, and problem-solving skills, empowering participants to change their lives and make positive contributions to their communities. Higher education serves as effective rehabilitation, reducing recidivism rates and promoting social reintegration (Davis, et al., 2013). Investing in higher education within prisons benefits individual learners but also contributes to building safer, more equitable societies.

This paper brings together the authors' experience trying to develop a higher education program for incarcerated learners in Aotearoa New Zealand, which would allow them to obtain a degree while in prison. As it stands, prisoners serving lengthy sentences in the country are unable to complete a degree while serving their sentences. This is in marked contrast to prisoners in other comparable jurisdictions where this is feasible such as Australia (Ostini & Farley, 2022), United States (Salmi & D'Addio, 2020), UK, and Ireland (Earle & Mehigan, 2019). This discusses why the presentation of higher education in prison is so difficult in Aotearoa New Zealand and what can be learned from the authors' work in developing access. Two solutions were considered, a combined universities approach which required universities to share the cost and effort of developing a degree program for incarcerated learners, and an instance of the Inside-Out Exchange program. Neither of these solutions were realised because of a range of factors, including the untimely arrival of COVID-19. In the wake of the pandemic, the authors consider the best way to move forward with securing access to higher education for incarcerated learners in Aotearoa New Zealand.

## THE AOTEAROA NEW ZEALAND CONTEXT

In order to place these reflections in context, it is worth briefly setting out some of the background facts about prisons and prison education in Aotearoa New Zealand. These structural factors may help readers understand the challenges faced in developing higher education in the country, and also to see some of the important differences between this context and other jurisdictions.

Aotearoa New Zealand has a relatively high per capita prison population. The levels of imprisonment are such that they clearly meet Garland's (2001) definition of "mass imprisonment." The country reached a peak prison population of approximately 10,000 prisoners in 2017 (Buttle, 2017). This amounted to approximately 199 prisoners per 100,000, vastly outstripping incarceration rates in Australia and the UK at the time (Buttle, 2017). This is a peculiar phenomenon as Aotearoa New Zealand experiences relatively little violent crime. For example, it has much fewer homicides per capita than both Australia and the UK, and it regularly scores very highly on international indices of peacefulness (Coleman, et al., 2021).

Since the election of the Labour-led coalition government in 2017, concerted efforts had been made to reduce this population and it came down to below 7000 prisoners (Foulds, et al., 2022). This is the result of deliberate policies on the part of the Labour Party which had decarceration as a manifesto promise in the 2017 election. Major punitive policies of previous governments have been repealed including in particular the ineffective "three strikes" law which had been cruelly imported from the United States, notwithstanding its clear failings there (Brookbanks, 2012).

In spite of this successful decarceration, however, there persists within the penal world of Aotearoa New Zealand perhaps its greatest shame. Some 54 per cent of the prison population comes from the indigenous Māori community. This rises into the mid-60s when considering women prisoners. Māori comprise 15 per cent of the general population, which demonstrates how stark this over-representation is (McIntosh & Workman, 2017). This is a lesser over-representation of indigenous people than exists in Australia where Aboriginal and Torres Strait Islanders make up 3 per cent of the general population but account for 28 per cent of the prison population (Lee, et al., 2017). However, the difference is in the proportion of the prison population. Aotearoa New Zealand prison programs inherently have to consider Māori needs, values and interests at the front and centre of everything they do given they are the

majority of prisoners (Strauss-Hughes, et al., 2019). This sad state of affairs is the result of centuries of failed colonial practices that have disadvantaged Māori socially, educationally, economically, politically and culturally. As a result, because of their diminished access to educational opportunities, Māori people in prison hold both fewer and lower-level qualifications, than their counterparts of European descent (Jones, 2016). They are also more likely to benefit from that access to higher education which was largely inaccessible to them in their communities (Mayeda, et al., 2022). The ongoing colonial subjugation permeates discussions of all policy areas in Aotearoa New Zealand, but few more so than prisons policy and criminal justice (McIntosh & Curcic, 2020).

Ara Poutama Aotearoa Department of Corrections New Zealand runs both the prisons and the post-prison or probationary services. With approximately 10,000 members of staff (Department of Corrections, 2022a), it is by far Aotearoa New Zealand's biggest employer. It runs eighteen prisons (three of which are for women). An additional four youth justice residences are run by Oranga Tamariki Ministry for Children. There is significant movement between the various adult prisons as prisoners move from remand to sentenced phases of their terms. Prisoners also move around regularly for operational reasons (Rhodes, 2022). Ara Poutama Aotearoa, like its comparator organisations overseas, faces many challenges in its operations. Not least of these is the ongoing recruitment crisis faced by the organisation. Many staff left during the COVID-19 pandemic, at least some of whom could no longer work for the organisation due to obligatory vaccination requirements (Murray & Kras, 2021), but the reduction in staff is for reasons far beyond this. Aotearoa New Zealand faced a very strict initial lockdown followed by a long period in which it was very difficult to enter the country even for those with citizenship or permanent residency. Although these restrictions have now been lifted, many industries are struggling to find staff (for example, see Longmore & Maxwell, 2022). This is also the case for Ara Poutama Aotearoa which, at the time of submission, had some 1500 roles vacant (Alexander, personal communication, 17 August 2022). It does not take too much imagination to understand how challenging this makes the operation of such a large-scale organisation.

The final societal challenge faced by the prison service which impacts higher education in prisons is the unusual political significance of gangs in New Zealand (Breetzke, et al., 2021). Aotearoa New Zealand public discourse has constructed the belief that the country is in an almost constant state of gang-warfare. It is difficult to tell how significant this problem is. Some commentators have said that, while it is not insignificant, it does grow in importance during election years (Breetzke, et al., 2021). In comparison to gangs overseas, gangs in Aotearoa New Zealand have some unusual features. Often members will wear large patches advertising their gang membership on back of their jackets. This ostentatious demonstration of gang membership is referred to as being "patched." Patched gang members can be seen in public spaces throughout the country, although they are more prominent on the North Island. There is a certain amount of violence between gangs deriving from their engagement with recreational drug supply networks. For prison staff, this means that gang affiliation has to be taken into consideration when accommodating prisoners. Considerable energy goes into ensuring that members of one gang do not come into contact with members of another gang while in prison (Grant, 2016).

## **THE EXISTING PROVISION OF HIGHER EDUCATION IN AOTEAROA NEW ZEALAND PRISONS**

The provision of higher education in prison must therefore take place within the context of prisons which are high in turnover of staff, have a consistent "churn" of prisoners, who are predominantly Māori and where corrections officers are working to maintain order by separating various gang members from one another. In addition, prisoners on remand are generally not eligible for education programs (McLauchlan & Farley, 2019). The provision of any sort of social service or rehabilitation program must take place within these structural constraints. Add to that the fact that prison education generally in Aotearoa New Zealand is not particularly well funded. There are just 68 education tutors around the country who assess the literacy and numeracy rates of people in prison, and interview them about education, training, and employment pathways. These education tutors also act as the link between external education providers and incarcerated learners, therefore mediate between universities and learners (Department of Corrections, 2022a). The ratio of learners to education tutors is not consistent

across prisons in Ara Poutama Aotearoa, but even taking out the remand population (44 per cent as of March 2023) (Department of Corrections, 2023), that means there is a ratio of education tutors to prisoners of around 1:68. This is not a number that indicates personalised attention to incarcerated learners who are likely to be neurodiverse and to have a traumatic brain injury (Lambie, 2020). In addition, within Ara Poutama Aotearoa, the educative focus is on literacy and numeracy education, and vocational training, rather than higher education (Pike & Farley, 2018), even though testing demonstrated that as many people in prisons in Aotearoa New Zealand were capable of higher education, as compared to the number who were illiterate and/or innumerate (Dawson, personal communication, 21 July 2022). Lastly, universities are increasingly reliant on the online offering of resources and coursework, particularly in the wake of the COVID-19 pandemic, and prisons generally see technology as posing an unacceptable risk to security (Farley & Seymour, 2022); the challenges begin to seem unsurmountable.

Even so, in prisons in Aotearoa New Zealand, Massey University offers a smattering of courses from across a range of programs, but it is not possible for a learner to complete a higher education qualification while incarcerated (Lucke, personal communication, 11 May 2023). During Farley's time working in education within Ara Poutama Aotearoa (2018–2022), there were a maximum of 40 learners per annum engaged in higher education through Massey University across the country, this number dropping to around 20 at times. Through a project led by Fairleigh Gilmour of Otago University, there were a handful of learners engaged in face-to-face higher education at Otago Corrections Facility (Gilmour & Alessi, 2022). Again, these learners were unable to complete an entire higher education program while incarcerated. In Australia, prisoner engagement with higher education sits at around 1.6 per cent. In Queensland, which is a similar-sized jurisdiction to Aotearoa New Zealand, that number is as high as 6 per cent (Australian Productivity Commission, 2023), compared to around 0.5 per cent in Aotearoa New Zealand. The University of Southern Queensland offers a selected range of programs to jurisdictions around Australia via internet-independent in-cell technologies, making it possible for incarcerated learners to complete an entire program (Farley & Seymour, 2022).

Therefore, there is a gap in the provision of education to prisoners in Aotearoa New Zealand. Our work over the past few years has been trying to approach this problem in a way which would provide eligible prisoners with the opportunity to complete higher education while serving their sentences and to do so in a way which is sustainable for all institutions and individuals involved.

## WORKING TOWARDS A SOLUTION

In order to improve the provision of higher education to incarcerated learners, we have taken two parallel approaches, each of which has different pedagogical goals and techniques. The first was an ambitious plan to coordinate a number of universities in Aotearoa New Zealand to convert existing courses into formats which could be presented in secure environments (Mehigan, et al., 2021). The second was to try to develop a pilot program affiliated to the Inside-Out Prisoner Education Program at Temple University in the United States (see Pompa, 2021). This section will set out how these two plans were envisaged to work in the context of Aotearoa New Zealand.

### COMBINED UNIVERSITIES APPROACH

The combined universities approach was developed to address a particular challenge: a lack of significant resources to support the development of curriculum and other aspects of higher education provision for prisoners. Having seen the success of the rollout of the Making the Connection project, envisaged and led by Farley at the University of Southern Queensland (UniSQ) (see Farley, 2016; Farley & Doyle, 2014), it was clear that a jurisdiction with a prison population similar to Aotearoa New Zealand could sustain a successful, thriving higher education program which allowed prisoners to complete degrees from start to finish while in custody. Emulating the UniSQ success would require an institution to develop pedagogical materials that were suitable for presentation in secure environments and allow prisoners to obtain credit for their studies sufficient to qualify for a particular degree. Part of the reason that UniSQ was successful in doing this was that it had grant funding to support its academics in making the not insubstantial changes to their current course materials and design to make them functional in the offline environment (see Farley & Seymour, 2022). At present, there

is no such funding for higher education in prison for Aotearoa New Zealand. This meant that any successful program would have to be built using modifications to existing courses using existing resources, under existing funding models, already under strain in the wake of the COVID-19 pandemic (Ewing, 2021).

In order to achieve this, steps have been taken to develop a degree program based on existing courses which could be provided by each of the 8 universities in Aotearoa New Zealand. Broadly speaking, a bachelor's degree takes 3 years. In each year, 8 courses (worth 15 points each) are completed making a total of 240 points. If each university could provide one or two suitable courses to be presented in prison in each of the 3 years, then the workload for adapting a degree for presentation in prison could be spread across the university sector. In addition, the courses would be designed and optimised for offline delivery into prisons ensuring that those engaged with higher education while incarcerated would have an equivalent experience of learning as those who are not incarcerated. At the moment, there are no higher education courses that are specifically adapted for offline delivery in the carceral environment. Instead, the courses are cobbled together and altered *ad hoc* to accommodate the restrictions imposed by the prison environment designed to optimise security and safety before all else.

Initial consultations with university administrators and academics were supportive of this approach. A half-day seminar, led by the University of Canterbury and Ara Poutama Aotearoa, was held in 2019 and attended by staff from all of the Aotearoa New Zealand universities, with representation from the Open Polytechnic and Te Wananga o Aotearoa. It was canvassed that the authors' own institution, the University of Canterbury, could amend its regulations to allow for the larger than usual proportion of externally obtained credit to qualify towards one of its degrees. During these discussions it was pointed out that there had previously been a degree run in this way by 6 business schools, although that qualification is no longer operative. A similar flexible approach allowing enrolment in courses and programs across a consortium of universities operates through Open Universities Australia (Crock, et al., 2015). The important point about the Aotearoa New Zealand business degree of course is that it means that such a development is not impossible for universities; it can be done again.

It was agreed that the focus of this initiative would be a fairly generalised degree. UniSQ adapted a Bachelor of General Studies Degree with a wide range of courses available to learners. Through scrutinising historical enrolment data, it was found that learners were enrolled with UniSQ for 3 consecutive semesters while they were incarcerated (Farley & Seymour, 2022). By enrolling learners into a generalised degree, it became possible for learners to choose courses on topics they were interested in and to transfer to the program of their choice once released from custody, using the courses already completed as credits. Should a learner be incarcerated for an extended period, it would still be possible for that learner to complete an entire higher education program. The Bachelor of General Studies is not a recognised qualification in Aotearoa New Zealand, but it was agreed that a Bachelor of Arts degree could provide the flexibility needed.

Again, following the lead of UniSQ, it was decided that pre-tertiary bridging courses would be made available for learners. At UniSQ, 60 per cent of incarcerated learners were enrolled in the Tertiary Preparation Program (Farley & Seymour, 2022), a bridging program made up of courses across a variety of disciplines that prepared learners for award programs (see Spence, et al., 2022). Incarcerated learners are very often first-in-family to attend university and so lacked the social and cultural capital necessary to succeed, or if they did have experience of higher education, a lack of confidence or if a considerable period of time had passed, a lack of study preparedness, rendered it useful for learners to complete part or all of the bridging program (Harmes, et al., 2019). A similar approach is followed in the UK with the Open University, where incarcerated learners are able to enrol in pre-tertiary programs before properly engaging with higher education (McFarlane & Pike, 2019). It was decided that the focus of the initial course redevelopment would be with the Certificate in University Preparation at the University of Canterbury (see <https://www.canterbury.ac.nz/get-started/transition/certificate/>).

The appeal of this approach was that it allowed for the spreading of development work over numerous universities and over a longer time period. In relation to the timescale point, as prisoners take longer to work through degrees typically than full-time on-campus students, each university would only need to provide a new suitable course approximately once every two

years during the first six years or so. On the other hand, the challenge with such an approach is that there are very large amount of variables, potentially as many as three different academic teams (one for each module) in 8 universities. Marshalling these teams to develop materials on time and with at least some level of consistency was never going to be easy. Notwithstanding the fact that everybody involved in the project, whether in universities or within Ara Poutama Aotearoa, was exceptionally enthusiastic about it, the multi-university approach never got beyond the many large Zoom meetings of its birth.

As with many fledgling projects due to start in 2020, this one was derailed by the COVID-19 pandemic as universities and Ara Poutama Aotearoa struggled to maintain their core business. Staff were forced to work from home and adapt to a new reality. Within Ara Poutama Aotearoa, visits stopped, outside providers were not allowed on prison sites, and non-essential staff were instructed to work from home and not go to site (Department of Corrections, 2022a). Activities were designed by education tutors and regional administrative staff that could be printed off and delivered to prisoners to keep them occupied by corrections officers (Farley, 2022). Likewise, universities in Aotearoa New Zealand had to pivot. Staff and students had to remain at home and delivery of recorded lectures shifted online in an attempt to continue programming (Cameron, et al, 2022).

One thing that did become apparent to Ara Poutama Aotearoa was that technology could be useful to provide incarcerated learners with access to programs and entertainment, as well as to a range of information and services. Through the Modern Prisons Project, they are exploring the possibility of using internet-connected Chromebook computers and a trial has already been conducted at Christchurch Women's Prison (Department of Corrections, 2022b). Even so, it is unlikely that even with connectivity and suitable technology will incarcerated learners be able to access the regular online offerings of universities in Aotearoa New Zealand, due to the problems associated with contacting victims, grooming potential victims, and the potential opportunities for collusion.

## INSIDE-OUT

The second approach to developing higher education courses in prison was to try to establish the first prison education program in Aotearoa New Zealand which adheres to the Inside-Out pedagogical philosophy. The Inside-Out Prison Exchange Program was established in 1997 at Temple University (Pompa, 2021). There has been extensive research conducted into the program and it has been highly reported on (for example, see Martinovic & Liddell, 2020; Philippon, et al., 2023). Therefore, only a succinct summary of the program is necessary here. The idea of the program is that a small cohort of undergraduate university students (approximately 10–15) are taught in a prison classroom alongside a similar sized cohort of prison students. The model curriculum is criminal justice-related for a 15-week semester, but this is very adaptable to the circumstances of individual prisons and universities. However, the pedagogy can be applied to other fields of study, and this has been a success with various programs on literature, history and other humanities and social science subjects (Yeo, 2019). Ideally, inside students would receive equal credit to outside students and not accrue student debt. While these are factors to be balanced based on local circumstances, at the University of Canterbury it was agreed in principle that inside students could obtain credit on a par with outside students. Initial discussions regarding inside scholarships or the use of the Fees Free program to cover the first year of tuition were garnering support from senior leaders within the university.

The obvious difference between this program and the proposed degree program already discussed is of course one of scalability. The degree program needs to be built in a manner that can be taken to scale in order to make it sustainable and to generate the most impact. The Inside-Out program cannot be taught by distance and therefore requires a more intensive commitment from an individual instructor in order to reach a relatively small number of prisoners. Developing each program is therefore an almost entirely separate endeavour and each faces separate challenges within the carceral environment.

The program has been rolled out in prison and university partnerships across the United States (Smoyer, 2019), Europe (King, et al., 2019), and Australia (Martinovic & Liddell, 2020), but never in Aotearoa New Zealand. Discussions in our own institution found broad support, subject to

the usual concerns about health and safety for those going into prison, but so far, no one has succeeded in presenting even a pilot Inside-Out Program. Our own attempts floundered because of the difficulty of mixing incarcerated learners from different unlock regimes, stage of sentencing, segregation types, gangs, and security classifications. In common with many other jurisdictions, prisoners from each of these regimes cannot mix. In Aotearoa New Zealand, gang membership poses an additional complication, such that members from different gangs, primarily Black Power and the Mongrel Mob, must never meet. As a result, it is difficult to get enough prisoners who are eligible to participate from the one regime. For example, Christchurch Men's Prison has 28 different unlock regimes. This is a problem for most education, training and rehabilitative courses offered by or with Ara Poutama Aotearoa, making these programs inefficient and expensive to run. In the post-pandemic world, this is further exacerbated by staff shortages with there being insufficient numbers of corrections officers available to keep university staff and students, as well as incarcerated learners safe.

## WHY THIS HAVE THESE PROGRAMS NOT SUCCEEDED SO FAR?

Given a lot of goodwill has been expressed towards both of these proposed projects, the question for this piece is why neither has been able to get started as a pilot pedagogical program, let alone a sustainable and established one. On reflection, it is suggested that the major obstacles to success in both endeavours are structural ones. These structural obstacles are in some cases peculiar to Aotearoa New Zealand, but in others will be very familiar to prison educators overseas. There is no one barrier that is entirely insurmountable, and they are discussed here not in order of any particular importance.

### STAFFING SHORTAGES

The first challenge for consideration is the operational life of the prisons in which these programs would be operating. A key challenge therefore is the staffing shortage faced by Ara Poutama Aotearoa. To run an Inside-Out program involves a not inconsiderable investment of staff labour. Inside students need to be moved from cell to classroom; outside students need to be escorted to the classroom from the gate; security, however light touch, needs to be provided; and running any sort of class involving external instructors and assessment will involve prison staff assistance for coordination. With the best will in the world, this kind of support may be impossible in a prison that is understaffed. Understaffing has been shown to have a negative impact on prison programs of all types (van Ginneken, et al., 2020).

In the context of a distance learning degree on the other hand, staff shortages should not be such a big concern. If students have their own materials, particularly those that do not require access to technology of any form, then students may in fact make life easier for stretched staff by being engaged in their own productive activity while other programs have been cut due to lack of staff. Having said that, even highly motivated, self-sufficient students with their own resources will need prison staff to help them with contacting education tutors, submitting assessments and other contacts with the outside world (usually the university) in order to facilitate their studies. Staff shortages, especially drastic ones, make it very difficult to run any sort of program, let alone one seen to be as expendable as higher education in prison.

### PRISONER NUMBERS

On the other side of that coin, Aotearoa New Zealand is also going through a period of decarceration (Foulds, et al., 2022). This has a particular impact on running a potential Inside-Out program. In discussions with frontline staff about the possible implementation of a program, it was said that it would be difficult to find 10 to 15 prisoners in one prison who would be eligible for the program. This is not solely due to the fact that prison numbers are reducing; the other contextual factors discussed above play into this problem as well. For security reasons it is not permissible to have a class comprising prisoners who have different gang affiliations. This separation of gangs is carefully monitored within the prison estate. These problems of low numbers and gang affiliation are compounded by the fact that there is a lot of 'churn' within the prison system in Aotearoa New Zealand. Prisoners can be moved between prisons at relatively short notice and for mere administrative purposes. It is very difficult to get a prisoner stabilised in one prison with the certainty that they will be able

to complete a face-to-face program such as Inside-Out. The program requires prisoners to commit to the entire semester. At our institution, a semester is 12 teaching weeks plus a 2 week break in the middle. Prison administrators have told us that it would be very difficult to get a commitment such that a class of 10 to 15 students would be able to stay in one prison for the duration of the semester.

This leaves educators in a position where they have a proven and innovative program to deliver in prison at minimal cost to the prison, yet they are unable to do so because they cannot fill a classroom with the requisite number of inside students. Outside students create their own challenges, but these (such as transport, security, and accreditation) can usually be dealt with through the more familiar (though of course often frustrating) world of university administration.

## ACCESS TO TECHNOLOGY

Alongside these obvious challenges for an Inside-Out program, perhaps the greatest challenge facing the delivery of a full degree program in prison in Aotearoa New Zealand, as in other jurisdictions, is the lack of access to technology and internet access for prisoners (Farley, 2022). The original forms of distance learning which worked well for the pre-Internet age involved sending discrete packages of printed and occasionally recorded audio-visual materials to distance learners to processing their own time (Weinbren, 2019; Earle & Mehigan, 2019). This worked well for those who needed to study in erratic hours (such as shift workers or those with caring responsibility). It also worked well for those who needed to study in difficult places (such as prisoners or sailors). However, the transition to online learning as the dominant form of distance education has created a digital divide for such students (Hill & Lawton, 2018). While the COVID-19 pandemic has forced many academic instructors to consider forms of blended learning and to improve the effectiveness of their virtual learning environments, this does not help those who cannot access the online world.

Conceptually, it is difficult for many academics and course designers at today's universities to think about designing courses to be studied in a way which does not rely on the internet or even computers. The challenge then of the digital divide is double-sided. On the one hand, how to cross the digital divide by allowing prisoners access to technology, or at least partial access to technology? On the other hand, there is the question of how to convince academics to design courses that can be studied by those who live outside the benefits of the digital revolution. The ideal answer would be the development of a secure technological access product that prisoners could use in cell to assist with their learning. This was achieved in Australia as part of the development of the UniSQ Making the Connection project. It should be noted that even within this project, there was no capacity for learners to access the internet. Instead, laptop computers were loaded with courseware that operated offline (Farley & Seymour, 2022). There is often talk of this in Aotearoa New Zealand, but as yet, no prison is able to support this level of access (Mehigan, et al., 2021; Farley, 2022).

## PROGRAM COHERENCE

That work to introduce better access to technology for learners is one side of the coin, but coordinating academics to develop the content to go on to such technological platforms is another challenge. Although we found that all universities were in principle committed to providing some sort of module that could fit within a degree structure, the more we discussed it, the more it became apparent that substantive materials coming from 8 different universities would likely make it even more difficult to create a degree that has a level of intellectual and pedagogical coherence. This is no criticism of the individual institutions, academics, or administrators, it is just an inevitable outcome from such broad collaboration.

The combination of these challenges has meant that neither the combined universities degree offering, nor the Inside-Out program has got beyond the early planning and scoping phase. A considerable amount of work, from academics and administrators in prisons and universities has gone into this and so, considering these roadblocks the next question is what can be done from here to progress the aim of introducing higher education to prisons in Aotearoa New Zealand?



## WHERE DO WE GO FROM HERE?

In order to pass to the next phase of developing higher education in prison, a pivot needs to take place away from the combined university model discussed above. To that end the next step seems most sensibly to be using a single university provider for the entire of the incarcerated student's studies. This is the obvious advantage of involving only the administration and management of employees from one institution in providing the substantive curriculum for such a degree. Naturally, even with one institution, this does not make the development of such materials straightforward, but may allow for greater consistency and perhaps even some economies of scale.

The disadvantage with this approach, and the reason that the combined universities approach was taken in the first place, is that it is more costly. The single university would have to provide the initial support for converting the courses to a format that could be presented in prison. It is of note that the Australian example demonstrates that once a program is up and running and embedded into the host university's systems (of student support, academic support, funding, registry services, etcetera), then it is possible to use regular university teaching funding to sustain such a program. The program at UniSQ now runs in a way which more than covers the costs associated with establishing it and sustaining it. UniSQ attracts around 500 course enrolments each semester, 3 semesters a year. These numbers were largely maintained during the COVID-19 pandemic, as incarcerated learners could continue working in their cells on the technologies deployed as part of the project (Seymour, personal communication, 9 May 2023). The benefits to the university and the state jurisdictions in which it operates (Queensland, Tasmania, South Australia, Western Australia, Northern Territory) are obviously huge (Farley & Seymour, 2022).

This leaves the Aotearoa New Zealand program searching for a benefactor. Would a single university take the entrepreneurial risk involved in developing such a program using its own capital? Or would it only be possible with some sort of greater state or philanthropic funding? The authors are currently applying for competitive funding from the New Zealand Government, and it is hoped that if a sufficient basic fund can be found, then the work needed to establish the curriculum suitable for prisoners to do undergraduate degrees could flow relatively easily, and hopefully reasonably swiftly from there. In the meantime, Ara Poutama Aotearoa continues to develop the technology needed to allow greater access to online resources for prisoners in various stages of their education. This is a work in progress in which all prison educators will have an interest.

For the Inside-Out curriculum, there remains something of an impasse. Colleagues who have implemented such programs overseas tell us that they have also heard of these similar challenges used as excuses not to implement innovative education for prisoners. So it may be that with enough notice 15 suitable prisoners (from no more than one gang) could be administratively tagged to keep them in a prison local to the university. This kind of holding order is of course used when prisoners are on remand and have an upcoming court date or ongoing trial. The administrative architecture is there. It is just a question of whether there is the political willingness to use it.

There is no immediate answer to the staff shortage. Though Ara Poutama Aotearoa are advertising extensively and aggressively to attract recruits, staff shortages are being exacerbated by higher wages being offered in Australia and the recent opening up of pathways to citizenship for New Zealand citizens choosing to live and work in Australia (see Australian Department of Home Affairs, 2023). But if Ara Poutama Aotearoa is true to its name, it will need to somehow assist prisoners with their education alongside its core role of punishing people by depriving them of their liberty.

## WHAT CAN WE LEARN FROM THIS EXPERIENCE SO FAR?

The first thing to say in wrapping up some of our learning from this experience is that almost everyone we engage with in the process was supportive of the principles of developing higher education in prisons. Everybody appeared to be acting in good faith and nothing in this article should be taken to be a criticism of any individual or institution. The blockage which has occurred is at least partially structural. Some of these structures, such as the prevalence

of gang culture in Aotearoa New Zealand, derive from social circumstances which have been resistant to change over many decades. Others, such as the shortage of staff and lower prison population, are the result of government policies. In any event they are not things which are within the power of the prison educator to 'fix.' Indeed, in the case of the prison population, reduction is due to decarceration policies; they are not structures which should be "fixed." In those circumstances it is incumbent on advocates for higher education in prisons to work around these structures.

Some of these workarounds are clear. The answer to the challenges of the digital divide would appear to be greater in-cell access to digital technology. Others, such as how you gather a class of 15 inside students for an Inside-Out semester may take more imagination on the part of prison administrators, and more creative curriculum design on the part of instructors. This might involve shortening the semester in some way to make it more manageable for prisons.

However, what is clear from all of this is that even though we are trying to build something that is basically new and has never been done before, we are not to a "clean slate." The carceral environment and its educational opportunities are subject to many forces, perspectives, policies and structures. This means that there is no such thing as a *tabula rasa* in higher education in prison. The slate will never be clean but chipped and wrinkled by the contextual challenges provided by a jurisdiction's prison estate, and perhaps even its individual prisons.

While we may not be starting with a clean slate, we are trying to build up to something from a very low base. That something is something which the University of Southern Queensland example shows us can be a self-sustaining success. To get to that point, from this low base, will take significant work. We learned that trying to get this work done on the cheap is messy and has not moved the project very far. Before the key problem is resourcing. If there is to be higher education in prison in Aotearoa New Zealand, as there is the UK (Nichols, et al., 2019), the US (Fretwell, 2019), Australia, and Ireland (Earle, et al., 2021), then this resourcing needs to come from somewhere. Whether that is from a single university that has the courage to take this on this investment in its own future as well as the future of Aotearoa New Zealand, or whether it comes from the New Zealand Government, a research agency, or even Ara Poutama Aotearoa itself, there is an impasse here.

It is not difficult to see how funding for higher education in prison may be unpalatable to decision-makers on certain points of the political spectrum, but it is suggested that with a little bit of goodwill all of these structural, cultural and political obstacles can be overcome, and both the Inside-Out programs and full undergraduate degrees can be a part of the educational future of Aotearoa New Zealand.

## CONCLUSION

This article has explored the complex challenges confronting the prison education system in Aotearoa New Zealand, drawing attention to the country's high incarceration rates and the impact of gang activity on education programs within the prison environment. Additionally, the COVID-19 pandemic has posed unprecedented challenges to the delivery of higher education in prisons in Aotearoa New Zealand.

The initiatives proposed in this article, namely the combined universities approach and the Inside-Out Exchange program, offer promising solutions to these challenges. However, their implementation has been hampered by a range of practical and logistical difficulties, including the pandemic. Despite these challenges, it is essential that policymakers and stakeholders prioritise the development of sustainable and effective higher education programs in prisons. These programs have the potential to promote social equity and justice, enabling prisoners to gain access to educational resources and develop vital vocational skills that can serve to enhance their lives and contribute positively to society. Looking ahead, we suggest that a single university applying for funding to establish and deliver higher education programs in prisons represents a viable and practical solution. We urge policymakers and stakeholders to take action towards the realisation of this proposal, with a view towards creating a more equitable and just society.


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## AUTHOR CONTRIBUTIONS (CRediT)

Helen Farley: Conceptualization, methodology, project administration, resources, investigation, writing – original draft, writing – review and editing; James Mehigan: Conceptualization, methodology, funding acquisition, project administration, resources, writing – original draft, writing – review and editing. All authors have read and agreed to the published version of the manuscript.

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