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Young people in custody

Education for Young Offenders

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Introduction

It is fair to say that there is a link in the minds of many members of the public between disengagement from education and offending by young people. It is not uncommon to see tabloid headlines referring to 'youth thugs' who are occupying street corners, behaving anti-socially, or even committing crime, rather than being engaged in lessons in school. In reality, the rate of unauthorised absence from School is just over 1 per cent¹. However, implications of this small number of young people being disengaged from education are severe.

There is considerable evidence to suggest that lack of involvement in education or training, and low attainment are reliable predictors of future offending², and there is a particularly strong correlation between truancy or exclusion from school and future *serious and persistent* offending³. Research has shown that up to half of young people supervised by community-based youth offending teams, and those involved in youth justice projects are not involved in any education or training at all and that young people who truant from school are three times more likely to offend than those who do not. This is a view supported by the Audit Commission's report *'Misspent Youth'* which showed that 65 per cent of school-age offenders who are sentenced in court have been excluded from school or have truanted significantly⁴.

Detachment from education could be a result of the young person's involvement in other factors such as substance misuse, involvement with certain peer groups, or negative experiences with formal education. While there is a great deal of quantitative research showing the correlation between exclusions and truancy and future offending, there is something of a lack of qualitative data meaning there is little understanding of *why* exclusions and truancy occur. National-level data on this subject is unlikely to be helpful because the reasons for exclusions and truancy will vary wildly from one young person to the next. The

needs of these young people are often complex and intricate and arguably would be better dealt with at a local level.

The Government is very keen to promote local action and responsibility over central targets and reporting, and this localism agenda seeks to allow local authorities greater freedom to prioritise resources and design services in a way that meets the specific needs of the people in the community, including young offenders and those at risk of offending.

The Schools White Paper, *'The importance of teaching'*⁵ supports this locally-driven approach, setting out the Government's plans to run pilots which will give schools the responsibility of securing and funding alternative educational provision for any young person excluded from that school. This initiative aims to reduce the number of excluded young people by providing schools with the financial incentive to invest in the early support that pupils need in order to remain in mainstream education.

The Green Paper *'Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders'*⁶, published by the Government late last year also promotes the concept of localism. The paper introduces the concept of a 'payment by results' approach to youth justice whereby local authorities would be given the financial incentive and freedom to develop effective, innovative, individual-focused interventions to reducing re-offending. Given the strong correlation between education and offending, education and employment-based interventions should be high on the list of priorities in local areas.

Custody

For young people serving community sentences, these local initiatives could be good news, but what about education for young people who end up in custody? The Government believes that alternatives to custody should be used wherever possible and the Green paper explores ways of further enhancing community penalties as an effective way of turning

1. Department for Education (2010), *Statistical First Release, Pupil Absence in Schools in England: Autumn Term 2009 and Spring Term 2010* [Accessed 18 February 2011].
2. Stephenson, M., Giller, H. and Brown, S. (2011) *Effective Practice in Youth Justice*, 2nd edn. Oxford: Routledge.
3. Graham, J. & Bowling, B. (1995) *Young People and Crime*, Home Office Research Study No. 145, London: Home Office.
4. Audit Commission 1996, *Misspent Youth Young people and Crime*, London, Audit Commission for Local Authorities and the National Health Service in England and Wales.
5. The Department for Education (2010) *The importance of teaching: The Schools White Paper 2010*. London: HMSO.
6. Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London: Ministry of Justice.

offenders away from crime, specifically looking at the possibility of widening the use of restorative justice in sentencing. The Youth Rehabilitation Order was introduced to tackle the underlying causes of youth crime, and is the main community sentence for young offenders. However, custody will continue to be available for the most serious and persistent offenders.

There is no doubt that a period in custody can have negative effects on a young person, it inevitably means a period away from any education or training in which they were engaged in the community. In reality though, the unfortunate truth is that most young people who enter custody have been disengaged from education for a long time and custody can actually provide a period of stability for these young people, possibly for the first time in their lives. It can provide an opportunity to properly assess their needs and to support them to deal with other issues which might prevent them from learning, such as substance misuse or anger management. Many young people who enter custody have had negative experiences of formal education and therefore education in custody should aim to help them regain the motivation to learn and develop new skills — a considerable achievement for many of these young people.

Legislation on Education for young people in custody

Legislation contained in the Apprenticeships, Skills, Children and Learning Act (ASCLA)⁷ 2009 makes local authorities with prison service Young Offender Institutions (YOIs) in their area, responsible for securing suitable education and training for young people in custody. In securing education and training, they must take a number of factors into account, including the range of abilities and aptitudes of the young people, the national curriculum, and the desirability of enabling young people to continue any studying which they begun in the community. This is

underpinned by requirements to share information about learning between the school or previous place of learning, the local authority and the secure establishment.

Significantly, the legislation also requires Local Authorities to take into account any special educational needs (SEN) or learning difficulty that a young person may have, and to share information about any SEN. This is significant because it is estimated that up to 90 per cent of young people in custody may have a SEN of some sort. Some of these young people will have a SEN 'statement', which is derived from an in-depth assessment of needs by the local authority and sets out the specific provision that needs to be made in order to meet those needs. Previously, when a young person with a SEN statement entered custody, the statement ceased to exist and there was no requirement for a local authority to keep a copy of the statement, nor was there any requirement that appropriate provision should be made to meet the needs of that young person while they were in custody. Now, the local authority that holds the statement must retain a copy of the statement while the young person is detained in custody and must revive it when they are released. The local authority with the custodial establishment in their area must also ensure that

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However, we know that only a small percentage of young people with a statement of SEN have a statement setting out the actual provision they require. The Department for Education recently published a Green paper on SEN and disability, entitled *'Support and aspiration: A new approach to special educational needs and disability'*⁸ which sets out plans to simplify the SEN assessment process, which would lead to more young people with SEN having their needs properly recognised and appropriate provision made. The intention is that if there are fewer young people who have unmet SENs in the mainstream, fewer will become offenders, and end up in custody.

7. It should be noted the ASCLA 2009 has been commenced in respect of Prison Service YOIs only. Education in Secure Children's Homes and Secure Training Centres is delivered as part of their contracts and as such is the responsibility of the main contractors, and not the local authority.
8. Department for Education (2011) *Support and Aspiration: A new approach to special educational needs and disability*. London: HMSO.

Resettlement

For all young people leaving custody, support for resettlement is obviously vital. The Government currently funds education providers in prison service YOIs to provide 'education support services (EES)' for young people. The ESS develops strong links with Connexions and Jobcentre Plus who provide support with resettlement in the form of referrals, national insurance queries and benefit and debt advice. They may also support the young person to apply for financial assistance for education and offer general information, advice and guidance on careers, helping them to identify their interests, skills and consider possible career opportunities.

The ESS supports the young person to enhance their employability by supporting them with CV writing and interview skills, developing their written and oral communication skills, and working on things like assertiveness, problem solving, negotiating and positive thinking.

The future of Young Offender Education in custody

There are a number of significant challenges to delivering education in the juvenile secure estate, on top of all the normal considerations around the limitations of the secure estate and risk assessment. The varied length of stay is one such challenge; young people stay in youth custody for an average of only three-four months. Some stay for only a few days if they are on secure remand while they are awaiting trial and others, who have committed the most serious offences, may stay for several years. Although many young people who enter custody have been disengaged from school for some time and have very low attainment levels, others have achieved well at school and may be studying towards formal qualifications. This means that an education department in a YOI which is well equipped to meet the needs of young people with very low levels of literacy and numeracy, could suddenly be expected to teach several young people working towards a diverse range of A-levels, for example.

Shifts in the political landscape, including the Government's focus on localism, the changing role of

local authorities in education and other changes to the way that education is funded and organised in the mainstream, provide us with an opportunity to re-examine how education for young offenders in custody is organised and whether changes to the system would help those delivering education to better rise to some of the challenges and meet the complex learning needs of these young people.

One of the main aims of youth custody is to rehabilitate young people, which, from an educational point of view means equipping them with the skills

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competencies and attitudes they need to build a stable and offending-free life when they are released into the community. Many of the young people who enter custody are unable to concentrate for even a very short period of time and have little motivation to learn. Education must aim to allow young people to discover a spark of motivation for learning, as well as equipping them with the study skills and other competencies such as good time-keeping, positive attitudes to learning, and understanding the importance of regular attendance, all of which can mean the difference between holding down a place at college, a place on a training scheme, or a job, and falling at the first hurdle. Two inspiring success stories where this has been achieved can be seen in the case studies below.

Case Study One

One young man describes his turbulent past, where his unstable family background resulted in him living rough on the streets of Thailand as a child. He began to settle down and became engaged to a Thai girl, who was tragically killed in a car accident while she was on her way to collect him. He eventually moved back to England and fell in with the wrong crowd and faced charges of criminal damage, taking without consent, and theft. He was sentenced to HMYOI Wetherby and talks about his experience there.

'It was about week two into my sentence when I was chosen to join the cadets. During my time with the cadets I learned to be part of a military structured team, I got fitter and stronger and my morale and military

knowledge increased dramatically which I am ever thankful for.

After release, I still had 2 months of ISSP to do with the Youth Offending Service (YOS). My interview to discuss my two-month programme turned out to be less daunting than I thought it would be but I was surprised to find out that I could study and have it classed as part of my ISSP time. The YOS never treated me like a criminal but more like a friend. I was also involved in a sports programme called Positive Futures, which over the two months gave me loads of outdoor activities. I got really into Indoor wall climbing and at the end they got me a qualification in the sport as well as Kayaking and sports leadership. At the end of my time with YOS and Positive Futures I was offered a voluntary position with Positive Futures which made me feel happy with the knowledge that someone thought enough positive stuff of me to let me stay on and earn more qualifications.

Over the summer holidays I took part in an Arts project with a bunch of youth offenders. The two tutors on the course were exactly what tutors should be; they were funny and made learning basic and advanced camera skills easy. At the end of the arts college we were given a bronze arts award that was worth putting up with a bunch of 'chavs' for a while.

At the end of the Arts award, I found out I was being considered for a trainee youth worker position, that was one of the best things I had heard since I got out of prison. I attended the first interview and a few days later I was confirmed for a second and final interview, which made me happy, but as the week came for my interview I started having a bit of a nervous time. I revised so much that week it seems stupid now but it must have helped me out a bit as I was employed on the 1st of October 2010 on a six-month contract that will run out just before I join the army.

Case Study Two

One young man who served a nine month sentence at HMYOI Wetherby completed four AS exams, and was awarded a grade 'A' in Business Economics, a 'B' in Sociology, a 'C' in Philosophy and Ethics and a 'D' in History. He also began A2 level work, in order to prepare to take exams after release. He says:

These exams will ultimately determine my future. Without a few key members of staff at HMYOI Wetherby, continuing with my A-levels would not have been possible. These people have demonstrated that they are willing to go out of their way in order to help an individual ultimately turn their life around.

He talks about preparation for his exams including revising daily with one member of staff, who he describes as 'enthusiastic and always willing to help'. He mentions in his letter another staff member, who was always 'interested in his work, which really boosted my morale'. As he prepared for his release and his return back to sixth form, his case worker had arranged for him to be visited regularly by the deputy head of his school who gave tuition and set work, helping the young man to study on his own.

He talks about the support that was given to him from multi-disciplinary staff groups from within the establishment to ensure good links with his school, the use of a computer in the YOI to complete his coursework, and support to complete his UCAS form. His letter finishes with the simple words 'These people really did help me turn my life around'.