# **POSTNOTE**

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# **Education in Youth Custody**



Recent government policy emphasises putting education at the heart of youth custody. A review of the youth justice system is due in Summer 2016. This POSTnote looks at the literature on the provision and quality of education in youth custody in England and Wales. It examines the evidence base on the challenges to providing education to a population with particular needs. Future plans for education in youth custody are explored.

# Background

Children aged 10 to 17 years who are sentenced to custody enter secure centres for children rather than adult prisons. Children can also be sent to custody on remand (meaning they are held until their next court appearance or sentencing). People under 18 make up an average of 1.2% of the overall custody population. In 2015, the average population of children in custody at any given time was around 1,000. This compares to 21,200 children serving community sentences in 2014/15. The number of children in custody has decreased since it peaked in 2008 (2,932). The majority of those in youth custody are aged 15 to 17 (2015: 78%), are male and of white ethnicity. Children with Black and Minority Ethnic backgrounds represent 41% of youth custody, an increase since 2008 (26%).

This POSTnote focuses on the formal education and vocational training provided for children aged 10 to 17 years within youth custody in England and Wales. Outcomes of education, training and employment on release to the community (post-custody) is covered in the POSTbrief 'Children in Custody: Education Provision in Resettlement' (PB021).<sup>5</sup> This POSTnote outlines the structure of youth custody, describes how education is provided and examines

# Overview

- Around 1,000 children (10-17 years) are being held in youth custody at any one time.
- Provision of education varies across youth custody in terms of subjects and qualification levels offered and amount of time provided.
- There are mandated hours for education in youth custody, but not all children are receiving their hours. Reasons for this include children being in segregation, which prevents them from getting to classes.
- Children in custody are more likely than the general public to have needs that directly inhibit their ability to engage actively with education.
- Educational provision within young offender institutions and secure training centres is hampered by challenges that make it difficult for children to engage in education.

the quality of education provision in youth custody. It sets out the challenges that educational provision in this sector faces and ends by looking at proposals on the future delivery of education in youth custody.

# **Structure of Education Provision**

Youth custody comprises three types of establishment, the characteristics of which are summarised in Table 1. The Youth Justice Board (YJB) is the non-departmental public body for England and Wales that oversees youth justice. It is the responsibility of the YJB to commission provision of education in Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCH); other services (health and resettlement) are delivered by the NHS and commissioned by the National Offender Management Service (NOMS). Education tends to be contracted out to for-profit providers (see Box 1), usually Further Education establishments, which may partner with not-for-profit enterprises.

Each establishment has a clear structure for managing commissioning, service provision and monitoring outputs, for example the number of hours of education provided.

**Table 1. Characteristics of Establishments** 

	Young Offender Institutions	Secure Training Centres	Secure Children's Homes
Acronym	YOI	STC	SCH
No. (% of child popn.)	5 (68.5%)	3 (21%)	9 (10.5%)
Age (years)	15-17	12-17	10-17
Gender	Males	Both <sup>a</sup>	Both <sup>a</sup>
% Minority Groups	25-30%	16%	21%
Mandated education hrs	30 b	25	30
Staff to child ratio	1:10	3:8	1:2
Commissioners of accommodation	NOMS (4) Private (1)	Private	YJB
Reoffending rate c,d	73%	70%	76%
Cost per bed, per year	£65,000	£178,000	£212,000

One of which houses males only.
 Since August 2015.
 After one year.
 Figures do not reflect the frequency or severity of reoffending.

While governors of youth custody establishments are responsible and accountable for the children in their care, they do not have control over services that are contracted out and remotely managed. Responsibility for a child is considered shared across stakeholders with no single organisation being ultimately responsible. This contrasts with looked after children whose care, including education, is the responsibility of their local authority.

# Implementing Education

#### **Decisions about Individual Education Provision**

On entry to custody, information on a child's educational history comes from reports provided by schools as part of presentencing information for magistrates. The induction process into youth custody includes assessments that look at a range of risks, such as reoffending (ASSET)<sup>13</sup>, and mental health and developmental needs (CHAT).<sup>14</sup> Education (including numeracy and literacy) is not assessed as a stand-alone entity, but included as a category within the ASSET.<sup>13</sup> CHAT indicates needs associated with, for example, communication and mental health, which impact on children's ability to learn and could inform children's education plans within youth custody.<sup>14</sup>

Once assessed, information is provided to the child about available classes. Access to some courses in YOIs is dependent on behavioural assessment risks. <sup>15</sup> In collaboration with the child, an individual learning plan is drawn up and a personal timetable is developed from a scheduled timetable of class-based lessons and workshops for practical skills. <sup>16</sup> Survey data indicates that 49 to 71% of children in YOIs and STCs are aware that they had a training or care plan. <sup>17</sup>

#### Youth Custody Teaching Staff

Teachers in YOIs and STCs are employed by contracted providers. Teachers in Secure Children's Homes (SCHs) are employed by the local authority. Recent data on skills and background of teaching staff in youth custody are not available. Pay and working conditions, including working

Box 1. Educational Providers within Youth Custody: YOIs
Education contracts last for five years and are worth £39 to £60
million. They are administered by the Skills Funding Agency.
Contracts stipulate that the provider should assess and manage each
child, follow his/her education from entry into custody to his/her
release to the community or transfer to another establishment.
Providers are required to have an understanding of the security,
discipline and care issues for this particular cohort and expected to
work with each other to create an integrated service. <sup>19</sup> In addition to
commissioning education the YJB is responsible for monitoring
contracts by gathering information relevant to contract inputs (number
of hours of education provided), and outputs concerning progression
and achievement (literacy levels at the beginning and end of each
child's custodial stay).

hours and holiday restrictions, vary across establishment types in youth custody. <sup>18</sup> A 2014 Institute of Education survey of teachers working in prisons suggested that they get paid less than FE teaching staff. <sup>20</sup> Teachers felt that their initial training did not cover teaching in a custody context and there was a lack of availability of continuing professional development training. There were no respondents in this survey from SCHs. <sup>20</sup>

#### Time Given to Education in Youth Custody

Prior to 2015 children in YOIs were on average receiving 11.4 hours of their mandated 15 hours of education a week.<sup>21</sup> In response the 'core day' in YOIs was increased to 30 hours per week, made up daily of three hours in the morning and three hours in the afternoon. In 2015, new guidance was given<sup>22</sup> that 60% of 'core day' should be protected for education with no avoidable absences; 40% is unprotected and permissible absences (medical appointments, court appearances, interventions) can take place. How the 60/40 time is distributed throughout the week varies across YOIs. Education time has increased to an average of 17 hours per week,<sup>23</sup> however, this masks a range where some children receive minimal hours of education and others 30.<sup>24</sup> In 2015, children in STC's were on average receiving their mandated 25 hours.<sup>25</sup>

#### Non-attendance in Education

Reasons for non-attendance could be caused by children attending legal or health appointments and court appearances. However, the main reason for not achieving mandated hours in YOIs is the amount of time children spend in segregation and therefore unable to access education. Segregation could refer to children being placed in a separate unit or confined to their cells. Several HMI Prisons (HMIP) reports of YOIs found that on the day of the inspection around 30% of boys were in segregation during the core day. 26,27,28 Reasons for segregation given in the reports include staff shortages and having to keep some children apart for their own safety, sometimes at the child's request.<sup>26,27,28</sup> In 2015, 33% of (571) children in YOIs reported feeling unsafe at some point in custody. 17 Providers are required to offer outreach (education for those not attending classes) for 10% of the population. <sup>29,30</sup> Where demand exceeds provision for outreach, worksheets are provided with no teacher supervision.31

#### **Outcomes of Education in Youth Custody**

The principal government aim of the youth justice system is to prevent offending<sup>32</sup>; therefore, outcome measures of youth custody focus on reoffending rates (see Table 1). Quantitative data on achievements or qualifications following release from custody are not available for YOIs or STCs. One report stated that children leave SCH's with attainment levels surpassing government requirements, higher self-esteem and with an identity as a learner, but did not include quantitative information on these outcomes.<sup>43</sup>

# **Quality of Education**

Ofsted inspects the quality of education delivered in all three custody establishments. There are joint inspections between Ofsted, the Care Quality Commission and HMIP in YOIs and STCs. Inspections are more regular (biannually: one full, one interim) than for mainstream schools (every five years). Education recommendations from the inspections are expected be addressed by education providers, but may also need responses from other services.

Making general comments on education provision across establishments is difficult given the different age profiles, staff to child ratios and resources involved (see Table 1). Patterns and examples from the inspection reports on the separate establishment types are provided below to give a picture of education provision across youth custody.

#### **Young Offender Institutions**

Inspection reports indicate that, in most cases, the quality of the teaching and the range of educational and vocational courses available is good. 26,27,33,34,35 Across YOIs, inspection reports also point out areas to be improved. Some educational or vocational courses did not go beyond level 1 or 2 (entry/basic levels) making progression to higher levels (GCSE's) inadequate. 26,33,36 This was particularly an issue for those serving longer sentences. These lower level courses are provided on a rolling schedule resulting in children serving longer sentences taking courses more than once.<sup>24,31,37</sup> GCSE's were provided in one YOI via distance learning, which was not adequately supported by teachers.35 Emphasis on and attainments in English and maths were often too low<sup>28,35</sup> with discrete English and maths lessons gaining low attendance whereas workshop skills classes and vocational training were better attended.35 One independent report found that a limited range of vocational courses were on offer in some YOIs and there was a lack of available places to meet demand.38 In common with mainstream education, behaviour was not always well managed in classrooms leading to disrupted learning. 27,28,35

#### **Secure Training Centres**

Across the three STCs in England and Wales, Ofsted judged the quality and range of education as good. Courses on offer, for example, included maths, English, ICT, art, humanities, design technology, tourism, music and drama. <sup>39</sup> Vocational courses are also offered. <sup>40</sup> Ofsted found teaching staff's ability to encourage skills such as independent thinking and working in groups was generally

good and behaviour well managed. <sup>39,40,41,42</sup> However the more able students were sometimes not sufficiently challenged. <sup>39,42</sup> Some lessons were not planned around children's needs so were seen as boring prompting uninterest. <sup>40,41</sup>

#### Secure Children's Homes

Each SCH operates under a holistic model of care, which places the child at the centre and builds a service around his/her needs. Each child has an individualised educational delivery plan which is co-ordinated with psychologist teams. <sup>43</sup> Ofsted judged outcomes in education and related learning activities and quality of teaching as good. <sup>44,45,46,47</sup> Core national curriculum subjects are taught (English, maths, science, ICT, PE, history, geography, art and food technology), plus vocational courses (such as hairdressing, construction and catering). GSCE's and A-levels are available across SCHs. <sup>44,47</sup> Teachers were praised for being skilled at managing behaviour and explaining lesson aims well. <sup>44,45,46,47</sup> Allowing poor behaviour within lessons and weak teaching that did not motivate children were described as occasional. <sup>44,45</sup>

# **Challenges of Providing Education**

The same set of needs relating to education are found in children in youth custody as the general population, but the prevalence of some of these needs — which are outlined below — are much higher. Children in custody are also much more likely to have had negative educational experiences. Both of these factors have implications for children's ability to engage in education.<sup>48</sup>

# **Previous Educational Experiences and Attainment**

Around 90% of children in custody had been excluded from school at any one time before entering custody and 63% of boys had been permanently excluded (74% for girls). 15,49 This is compared to 3-5% of the general school population that have been excluded for a fixed time. 50 There is also evidence that the majority of children in custody were not attending school before they reached 16 years old (90%). 51

Published data are limited on the qualifications of those entering custody. Studies available have small sample sizes and should be treated with caution. Questionnaire data from 45 children from one YOI found that nearly half of the boys had no previous educational qualifications. By comparison, in 2014 less than 10% of the general population at the equivalent age had no qualifications. Within the youth custody population, of whom 78% are 15 to 17 year olds, literacy levels have been identified as being equivalent to that of 7 to 11 year olds or lower. Suggested low education levels have particular implications for children in custody: around two thirds of one sample (58) did not reach the minimum level required in literacy and numeracy to understand verbal information and would therefore struggle to follow education programmes.

# Characteristics of Children in Youth Custody Developmental Needs

Historically, the focus on the needs of children in custody has been on mental health and substance use, but this has overlooked needs arising from developmental issues such as neurodisability.<sup>54</sup>,<sup>55</sup> The term neurodisability refers to atypical neurology development<sup>14</sup> and includes a range of conditions:<sup>55</sup> intellectual or learning disability, specific learning disorder, communication disorders, attention-deficit hyperactivity disorder (ADHD), traumatic brain injury and autism spectrum disorder.<sup>56</sup> Compared to the general population, evidence indicates that children in custody have a higher incidence of neurodisability. For example:

- ADHD 30%, five times higher than in the general population.<sup>55</sup>
- Learning disabilities 20% have identified learning disabilities, compared to 2 to 3% of the general population, <sup>56,57</sup> a further 30% have borderline learning disabilities. <sup>57</sup>
- Dyslexia estimates range from 43 to 57% compared to 10% of the general population.<sup>58</sup>
- Speech, language and communication needs (SLCN) 60% compared to 5 to14% expected from a typical adolescent sample of the general population.<sup>51,57</sup>
- Traumatic brain injury (TBI) 50 to 80% compared to 10% of the general population.<sup>59</sup>

These disabilities have implications for the ability of children to engage in education. <sup>48</sup> For example, children with SLCN may struggle to listen, to process instructions and to understand age-appropriate vocabulary. <sup>60</sup> These children can appear rude or uninterested as they find educational contexts difficult to follow. <sup>51</sup> Effects of TBI can include fatigue and cognitive problems which may result in children being seen as lacking initiative (which could be mistaken for laziness), lacking inhibition (especially around inappropriate behaviours), or having difficulty following rules. <sup>59</sup>

#### Mental Health

Around 10% of the children in youth custody show symptoms of anxiety and post-traumatic stress disorder (PTSD), 5% show psychotic symptoms and 10 to 19% show symptoms of depression. <sup>55,57,59</sup> Overall prevalence rates are broadly similar to mental health problems in the general population of 5 to 16 year olds (10%), <sup>61</sup> though as the previous section suggests prevalence rates for individual disorders are higher. Females in youth custody are more likely to have depression (35%) and PTSD (19%) <sup>57</sup> than females aged 5 to 16 years in the general population (6% have 'emotional disorders' which includes depression and PTSD). <sup>62</sup> Mental health needs may affect learning through reduced concentration, motivation and attention. <sup>63,64,65</sup>

Support for Mental Health and Developmental Needs
The 60/40 protected education guidance from the YJB
states that mental health and neurodisability should first be
addressed via therapeutic interventions (speech and

language therapy or neuro rehabilitation) before children attend education. <sup>22</sup> However, academics have argued that levels of neurodisability among children in custody are not adequately recognised nor are appropriate treatments available. <sup>51,57</sup> One study suggests that 20% of children in custody have mental health needs that are not being met. <sup>57</sup> Hence, it has been suggested that aspects of the UN Rules for the Protection of Juveniles deprived of their Liberty <sup>66</sup> are not currently being upheld. <sup>58</sup>

#### **Engaging Children in Education**

Children in youth custody are preoccupied by issues of accommodation and personal safety. <sup>15</sup> Research points to three potential components for successfully engaging children in education:

- Positive relationships with all staff, including teaching staff, is recognised as key in managing behaviour. 67
  Through the creation of different relationships with adults, including teachers 68 appropriate ways to behave and respond in different contexts can be demonstrated, and help engage children in custodial programmes. 15
  Recognising emotions is an essential skill in developing relationships with others. Some children may be lacking the ability to recognise emotions because of TBI, making relationships with these children difficult to forge. 69 There is some evidence these deficits can be addressed. 70
- A sense of ownership over their education plan is seen as beneficial to children's achievements. <sup>15</sup> Ownership and engagement in education can be developed through participation/learner voice initiatives <sup>71</sup> that allow children to voice their opinions <sup>72</sup> such as youth councils. <sup>73,74,75</sup>
- Education is best when it is meaningful and interesting to the children.<sup>54,75</sup> Vocational approaches that embed literacy and numeracy may be more engaging and meaningful than formal classes as they make explicit links to out of school knowledge.<sup>75,76</sup> In order to be worthwhile vocational training needs to be good quality.<sup>77</sup> The low level qualifications offered in custody do not attract future employers in the current job market.<sup>78</sup>

### **Future Plans for Provision**

After the 2015 general election, plans to replace YOIs and STC with secure colleges were scrapped<sup>79</sup> and a review of the whole Youth Justice System was launched.<sup>80</sup> In February 2016, an interim report<sup>23</sup> suggested YOIs and STCs could be replaced by a series of secure schools based on a model from alternative education (that is education for those outside of mainstream education pathways) that utilises vocational pathways. Head teachers will have autonomy to commission services as they see fit and more responsibilities and control of funding will be devolved to LAs. Responses from the YJB<sup>81</sup> and Prisoners Education Trust<sup>82</sup> were positive and welcomed smaller more localised establishments with a focus on education.

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