

Young offender learning and skills workstream report:

Executive summary

1. Introduction

This report presents the key findings from the work of the Young Offender¹ Learning and Skills workstream, an independent expert group established by the Scottish Government. This was one of three workstreams examining learning, skills and employability issues for young people and adults involved in the justice system. The activity responded to the Government's commitment, set out in the national skills strategy, to improve the learning and skills offer to offenders.

Young people are our future and nurturing them to reach their potential is in everyone's interest. In Scotland, a high proportion of those who offend are from vulnerable backgrounds, having previously been referred to the Children's Panel on care grounds. Supporting these young people to make a successful transition to adulthood is consistent with the Government's following stated outcomes:

- Our children have the best start in life and are ready to succeed
- We have improved the life chances for children, young people and families at risk
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- We live our lives safe from crime, disorder and danger

2. Young people and the justice system

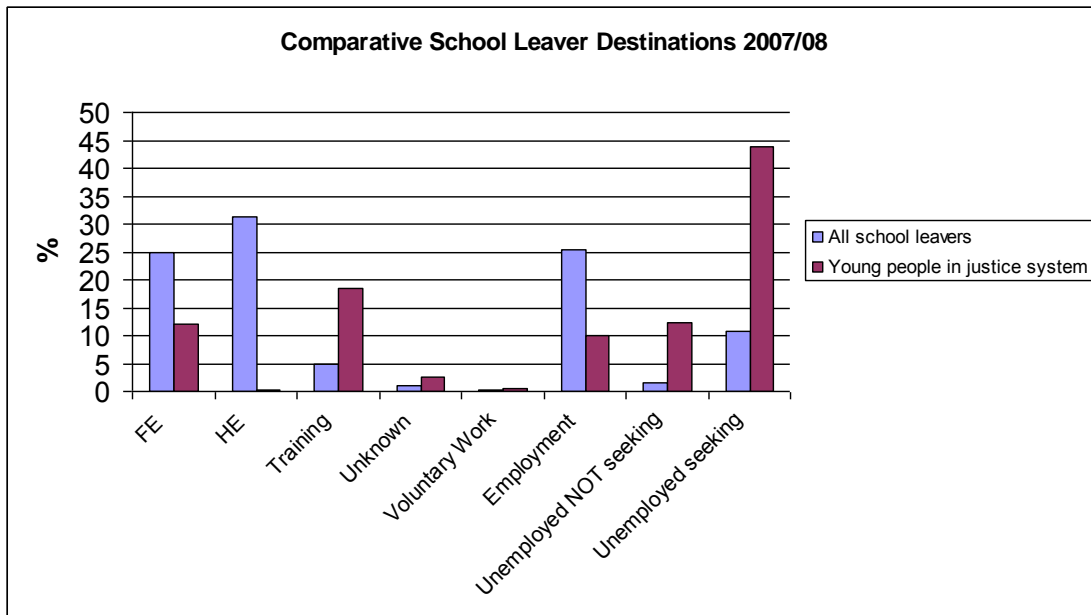
We wanted to establish some basic facts about young people, learning/skills and the justice system and we found that:

- Around 7,500 people aged 16-18 go through the Scottish justice system each year
- Age 18 is the peak offending age for males and females
- 81% of offenders are male – but female numbers are rising

The study suggests that many of these young people disengage from the education system in early secondary school. For example, a recent snapshot of Includem's Glasgow clients showed that only 25% were in mainstream secondary school with 29% outside education altogether.

Critically, the study shows that educational outcomes are much worse for these young people than for their wider peer group. Skills Development Scotland (SDS) data shows that only 41.2% of school leavers with an offending background progressed to a positive destination compared to the national rate of 86.5%. The chart below shows the comparative destinations.

¹ Our brief related to young people aged 16-18



Source: SDS

The only positive destination where these young people fare better is training. However, there is insufficient evidence about the type of training they undertake and the outcomes they secure. Overall, there is a need for much better information on the pathways of these young people, who often present with the same support issues as the wider MCMC² vulnerable client group. SDS data indicates that barriers include emotional/behavioural problems, homelessness and drug/alcohol problems.

This work highlighted different approaches to youth justice across the country, with most young people being dealt with by the adult system from the age of 16. Scotland's Prison Commission identified a weakness in the justice model for younger offenders and noted that "many young people who commit offences face a very abrupt transition from the Hearings System, where the emphasis is on helping them to develop and change, to the adult courts where the emphasis is on punishing them."³

Proposed changes to the system include an end to the practice of jailing under 16s and the exploration of ways to keep prisoners aged under 18 apart from their older peers. This forms part of an overall aspiration to see a higher proportion of community-based sentences which will also provide an opportunity to improve the learning and skills offer.

3. At home and in the community

There is conclusive evidence showing the link between the most vulnerable children in society and offending behaviour in adolescence. The fact that these are often the same children underpins Scotland's unique Children's Hearing system. The Scottish Children's Reporter Association⁴ (SCRA) found that 62% of persistent young offenders were first referred to the Reporter on care and protection grounds. A quarter of them had been referred before the age of five.

² More Choices More Chances – people aged 16-19 not in education, employment or training

³ Scottish Prison Commission: Scotland's Choice (2008) p30

⁴ SCRA: On the Right Track – a study of children and young people in the Fast Track pilot (2005)

At the national level, the Early Years Strategy and Getting It Right for Every Child provide frameworks for more effective early intervention with vulnerable children and their families. Locally, partners are collaborating to deliver innovative packages to parents through initiatives like the Glasgow Parenting Support Network. Led by Health, and bringing all of the key partners together, this recognises the cross-cutting nature of the challenge and the need to break negative behavioural cycles.

Within our communities, some children are more likely to offend during adolescence. Prison inspectors note⁵ that prisoners are fourteen times more likely to have been taken into care as a child than the average, for reasons which include lack of positive role models, as well as fragmented education and care packages.

Evidence also shows that the children of prisoners are also at risk, with 65% of boys with a convicted parent going on to offend. In Scotland 16,500 children are separated from an imprisoned parent each year (more than those losing contact through divorce), yet their support needs are not always identified within the Education system. This needs to improve within schools, with more effective identification of prisoners' children requiring additional support. In many places the introduction of the campus police is helping this process.

The campus police also play an important role where peer pressure and territoriality can lead young people into gang-related activity. Glasgow Community Safety Services (GCSS) is working closely with the Police, local schools, John Wheatley College and other partners to tackle the negative effects of this. Young people are being actively engaged within the community through sport, music and other diversionary means to route them back into learning and skills activity.

4. At school

Although school should be the location where most learning takes place, this study suggests that it is a negative experience for a high proportion of these young people. However, the implementation of Curriculum for Excellence (CfE) provides a great opportunity to address this through a more flexible approach. It is essential that the future of young offender learning is placed within this context and not considered as a separate development.

But identifying CfE as the central underpinning of a future learning strategy for this group, is dependent on two key development issues: (a) that Curriculum for Excellence is truly accessible to **all** young people, no matter **where** they are learning, and (b) there is significant buy-in and understanding from all key stakeholders on how CfE works with the operational mechanics of the criminal justice system.

The thrust of this challenge is with secondary schools. Consultations with young offenders indicate that many are happiest in the primary setting but struggle beyond the transition to secondary. Many of the young people contributing to this process were either truanting or excluded from school by the S3 stage. Although there are no exclusion data for young offenders, we know that young people looked after at home are 10 times more likely to be excluded than their wider peer group.

⁵ Scottish Executive- Her Majesty's Chief Inspector of Prisons Report (2002/03)

Research undertaken in Edinburgh⁶ shows that school exclusion by S3 is one of the most reliable indicators of future offending behaviour. From the study cohort those out of school at this stage were two and a half times more likely to have a criminal record by the age of 19. The same study shows that people who leave school before the age of 16 are 3.5 times more likely to have a criminal record by that age. The challenge then is to provide an offer and support package that is much more effective at engaging and retaining those young people at risk of offending.

As well as relying on a more relevant curricular offer, success here will also require enhanced capacity within school to work with all young people. In both respects the formal education sector can learn much from approaches found in the informal arena and the recent publication "Amazing Things"⁷ provides good examples of this. During our fieldwork we have also seen excellent examples of good practice in flexible learning delivery which has included the Flexible Learning Initiative (FLI) and Expanded Learning Opportunities (ELO) interventions in North Lanarkshire and the ISMs provision in Glasgow. These approaches share a number of key features which include:

- A greater emphasis on experiential learning, and hands on practical work
- More imagination in the use of innovative activities – sport, life-skills, arts, media, outward bound etc
- The introduction of different staff working with the young people
- A generally more relaxed and informal learning environment
- Smaller class /group sizes
- More variation in the activities offered to participants
- Reduction in the use of paperwork to a minimum
- Learning in a range of different settings
- Building in some form of extended work experience element (though this appears less common than the factors above)

Access to effective interventions has been raised as an issue. We would not endorse 'ring-fencing' opportunities for young offenders – with the risk of stigmatisation – but argue that wider access arrangements are required. Issues around funding are also apparent, with many interventions short-lived. The solution to this is a stronger sense of shared purpose amongst partners and increased levels of co-commissioning.

There has been limited scope within this work to review the learning and skills offer in secure settings. In 2007/08 there were an average of 102 residents in Scotland's secure estate and a recent review⁸ has raised questions about the outcomes secured for them. The Scottish Government may wish to specifically review the learning and skills offer to these young people more closely in future.

⁶ Criminal Justice Transitions (no 14) – Edinburgh Study of Youth Transitions and Crime (Lesley McAra and Susan McVie 2007)

⁷ Amazing Things: a guide to youth awards in Scotland – CBI Scotland and Learning and Teaching Scotland

⁸ Scottish Institute for Residential Child Care "Securing Our Future" February 2009

5. Post school learning and work

We have established that prior to the age of 16 many of these young people are disengaged from formal learning. Beyond this age a number of context factors are important, including the lack of any compulsory learning framework and the fact that 16 is the faultline between youth and adult justice.

The introduction of 16+ Learning Choices, aligned with the senior phase of CfE, provides the platform for more effective work with these young people. However, it must acknowledge that many of them are not continuing a learning journey but restarting one. It is also important to acknowledge the significant levels of scepticism and low levels of awareness about these developments within Justice. A major challenge is how the potential of 16+ LC and CfE is 'sold' to the Justice world and an indicator of future success will be the extent to which in three years youth justice workers, Children's Panel members, Sheriffs, and others would endorse the statement "CfE and 16+ Learning Choices are a key part of the package in addressing youth offending".

Developments taking place within Justice provide opportunities for improved future alignment with the learning and skills agenda. From this review we suggest that:

- Within the forthcoming Community Payback sentence regime any non custodial orders given to young offenders should contain a meaningful and realistic learning element - based on an understanding of the place and timing of learning within a wider support package, and linked to accessible suitably resourced local learning provision
- High quality and real time information is available in the process of making and implementing these orders to Sheriffs and relevant criminal justice staff
- The additional supports available within the Youth Court pilots are invaluable to both extending and co-ordinating learning provision for young offenders⁹
- Many providers of learning would benefit from a better understanding of how the justice system for under 18s works¹⁰

In relation to learning and skills, we sense that the issue of youth offending has not been high on the radar of MCMC partnerships to date. This should be addressed in future, specifically through; improved awareness levels of the scale and issues; better engagement with Justice colleagues; and improved evidence of impacts.

On the ground, the current post school offer includes provision open to all young people, interventions aimed at those with 'additional support needs' and those specifically targeted at young offenders. Outcome data enabling us to fully

⁹ We are aware that the Youth Court pilots are subject to a review at present, and have noted some strong views on both sides as to whether they should continue. We are not suitably qualified to comment on this core issue, but would note that in Lanarkshire there was universal endorsement of the additional community based supports incorporated within the Youth Court arrangements and funding regime.

¹⁰ There were concerns expressed from people involved in the youth justice system that some learning providers did not seem to prioritise developing any even rudimentary knowledge of the justice system, and that doing this would improve their service offer to young offenders. For example, one youth justice worker commented that an offer to training providers to observe the Airdrie Youth Court had not been taken up.

understand the respective impact of these interventions for this client group is poor. For example, although significant numbers go into training there is no impact data from Get Ready for Work for this group of young people.

At the local and national level work is under way to improve intelligence levels. There is also increasing provision which is short and flexible – particularly in the shape of the Activity Agreements being piloted in 10 local authority areas. These developments provide opportunities to improve post-16 working with these young people.

The SDS data indicates that around 10% of young offenders progressed into employment on leaving school compared to a rate of 25% for the wider age group. Given that many of the target group come from deprived areas where workless rates are often high, this is perhaps not surprising. The figures are also likely to look worse now as the full impact of the recession limits employment opportunities further. This presents a challenging context.

However, there are positives to build upon. A number of effective interventions are based around long term business relationships where organisations have had experience of troubled young people becoming good employees. In Paisley, Kibble Works provides a good example of this, through the use of varied approaches including the development of supported employment opportunities leading to open labour market jobs.

There is potential for the public sector to play a more active role in support of many of these vulnerable young people, although to date their input has been disappointing. A number of reasons are behind this – including negative media attitudes and narrow misinterpretation of equalities legislation – and there is a need for a proactive campaign to encourage these employers to make an offer of a second chance. This need not be specifically targeted at 'young offenders' but at those young people most at risk of offending. The recent Inverclyde Council announcement of opportunities for care leavers is a good example of how this might work in practice.

6. In custody

There were 4,279 prison receptions of 16-18s in Scotland in 2006/07. The average sentence length was 324 days although 88% of sentences were for less than 2 years. Reoffending rates are highest for young offenders with 53% returning to prison within 2 years of release.

A high proportion of young offenders are housed in Polmont YOI, which at the latest snapshot (March 2008) had 313 of the total 476 prisoners aged 16-18. Polmont has been subject to particularly high levels of overcrowding in recent years, due to sentencing levels and major construction work on site.

The Scottish Prison Service (SPS) works towards 9 shared offender outcomes, two of which (Improved literacy skills and Employability prospects increased) are particularly relevant to this study. However, other outcomes (e.g. relating to health and well-being, family relationships and improved behaviour) are also relevant to the Government's commitment to providing learners with *skills for learning, life and work*. Indeed, the four capacities of CfE suggest the need for a move away from a narrow focus on employability in order to equip young prisoners to successfully reintegrate into society. Moving forward, this should provide the basis of the curricular offer to 16-18s in custody.

The current offer in prisons is split between provision delivered as part of the Learning, Skills and Employability (LSE) contracts and that offered through Vocational Training (VT) in prisons. The latter is delivered by prison officers and the former by external contractors¹¹. In addition, each prison has a list of external providers – including Jobcentre Plus, Careers Scotland and the voluntary sector – who provide learning and skills support. This study has raised questions over the extent to which these various interventions are co-ordinated. It has also queried the impact of these interventions. The key performance indicator (KPI) for the LSE contract relates to 'prisoner learning hours', which is a measure of activity, not impact. To date there has been no independent external evaluation of either the LSE or VT activity.

Currently, under 18s in prison have the same offer as all offenders, although this is due to change with the opening of separate facilities in Polmont. This provides opportunities for improvement as the current learning environment – though new – is not fit for purpose. The rooms are large, impersonal and without easy access. As a consequence, education sessions for some groups last 3 hours, which is difficult for learners and staff.

Recent inspectorate reports¹² have underlined the weaknesses in Polmont in comparison to conditions at other prisons where young people have been accommodated. The same report identified even poorer learning facilities for young female prisoners in Cornton Vale, which has only two classrooms and no dedicated art room or cookery facilities.

Improving the offer to all young prisoners will require better approaches to learning and skills assessment. There has been a lack of consistency in this important area and this review has identified some negative developments such as the removal of dyslexia screening in Polmont due to lack of usage. There is also no universal record of prisoners' literacy and numeracy levels.

Although there is an increasing focus through 16+ Learning Choices on effective needs assessment, young prisoners are disconnected from these local area developments from being accommodated in a national institution for young offenders. This presents major barriers to maintaining links with the local learning and skills infrastructure, limiting the prospects of them making a smooth reintegration back into their community on release.

Within prison the learning and skills offer is voluntary and is not offered to all prisoners. Those on remand and short sentences – the majority – miss out on this opportunity and this should be reconsidered. Successfully engaging with these excluded groups offers a chance to help break the cycle between communities and prisons.

Figures from Motherwell College show that 51% of the prison population participated in learning during the first half of 2009 – one of the highest rates in the entire estate. The four consistently most popular programmes were:

- Creative Arts
- Communications and Literacy

¹¹ Currently Motherwell College and Carnegie College

¹² HM Inspectorate of Prisons: Report on Young Offenders in Adult Establishments (2009)

- Life Skills
- IT/Computing

As well as this formal provision, creative approaches have proven to be effective with young prisoners. Effective examples of informal learning that have been well received by young learners have included the writing and production of a play in partnership with the Traverse Theatre, production of a DVD for schools on the consequences of offending and Greenock Prison's joint project with Govan Radio to introduce a DJ radio class.

Services which seem to be particularly effective are those which provide personalised support which begins in prison and straddles the liberation process. There are several of these services in place and they share a number of characteristics:

- Deliberate client targeting – usually by geography and release date
- Voluntary participation – based on promoting the service to the client
- Delivery by credible, enthusiastic personnel with excellent communication skills
- Predicated on establishing a strong trusted relationship between the worker and the client
- Emphasis on client's ownership of the process
- Joint identification and agreement on key goals
- Production of a personal plan based on the above
- Brokerage of the young person's access to other local support services
- Continued support beyond liberation point

A good example of such an approach is the Passport project in Polmont offered by Access to Industry. This utilises many of features set out above, engaging with clients pre-release and providing transition support based upon access to college courses. To date, achievements have included engagement with 1,204 clients with 398 moving into positive destinations. In December 2008 the recidivism rate for those released into the community was 33%.

However, services like this depend on regional funding models so are not a universal entitlement. For example, although much of south east, west and central Scotland are covered, the offer is not open to prisoners returning to the Highlands, Aberdeen or Tayside. Funding is also precarious, short term, and often reliant on trusts.

7. Conclusions

Our principal conclusions are as follows:

- The evidence base
 - We need a much more effective recording and tracking system for the learning outcomes of young people engaged in the justice system
- The strategic and operational landscape
 - There is a need for clear leadership around this agenda at the national and local levels
 - The important role of the voluntary sector should be underlined as there is a risk that it withers due to funding changes
 - Changes in sentencing patterns provide opportunities to improve the learning and skills offer to young offenders in the community and in custody
- The home and community setting
 - Examples of early intervention and targeted support to vulnerable families are positive and should be encouraged further
 - There is a need to raise awareness levels of the risks of looked after children and the children of prisoners engaging in offending behaviour. This includes better identification of and response to support needs
 - The anti-gang work being piloted in Glasgow is of interest throughout Scotland and the lessons should be fully disseminated
- At school
 - Meaningfully engaging and retaining all young people within the school system is a key step in preventing offending
 - CfE provides a great opportunity to do this through its commitment to a personalised and flexible learning offer
 - Much can be learned from effective interventions already in place involving flexible and informal learning models
 - There is a need to facilitate improved understanding and co-operation between professionals in Justice, Education and Care
- Post school learning and work
 - The post-16 transition point is particularly challenging for these young people
 - The introduction of 16+ Learning Choices provides a great opportunity to have an impact – but will require a better shared understanding of the offer and what it can provide
 - Other developments – most notably Community Payback Orders and Activity Agreements – provide further related opportunities, which can build on the good practice identified in this review
 - Many of these young people are primarily interested in paid employment. Prospects are limited but there is scope for the public sector to assume a more active role
- In custody
 - The fragmented learning and skills offer in prisons is unhelpful and does not reflect trends in the world outside prison
 - The skills and learning landscape in prisons remains uncertain – but has potential for improvement (for example through under 18s being separately accommodated)

- The current model of housing all young prisoners in Polmont and Cornton Vale disconnects them from local learning provision
- The current LSE contracting model makes no special mention of under 18s and can discourage colleges from proactively engaging with these potential students

What does success look like?

The Framework for Action, one of the report appendices, sets out the practical steps leading from this review. Underpinning this are 9 statements setting out a positive future for young offenders aged 16-18 as follows:

1. There will be clearly defined leadership at the national and local levels relating to learning and skills for 16-18s in the justice system
2. Fewer 16-18 year olds will be in prison. Where they are in custody, they will be in community-facing models designed specifically for younger prisoners, with a clearly defined and integrated learning culture
3. All 16-18s in the justice system will be offered an appropriate learning opportunity whether in custody or in the community
4. There is a collective understanding of all resources invested in developing the learning and skills of 16-18s in the Justice system. Alongside this, there is a clear understanding of services purchased and the impacts derived from them
5. There will be a clear tracking system for the learning outcomes and progression routes of 16-18s in the justice system with designated responsibility for managing this
6. We will have established the precise rate of positive post-school progressions for 16-18s in the justice system and will have significantly closed the gap between this and the national average
7. Curriculum for Excellence will provide a coherent, more flexible and enriched curriculum for all children and young people firmly focused on their individual needs.
8. Children who are most likely to offend are provided with early intervention and targeted support within the school system
9. Everyone working with vulnerable young people will understand their responsibility to nurture their self-confidence and will be supported to fulfil this role