



Education and Training for Young People in the Youth Justice System: what next?

Background Paper for an Ideas-Building Event at St. George's House, Windsor Castle, 26th – 27th July 2007

We're delighted to welcome you to this confidential policy into practice ideas building event. As you'll know from your invitation, our focus for this event will be to build on responses to the recent Government consultation between 4th April – 4th July this year, regarding education of young people, aged between 10 – 17 years, who are supervised by the youth justice system within England.

The consultation covered four key areas:

- participation in education, training and employment;
- delivering a relevant curriculum,
- workforce development, and
- accountability for young offenders' education.

A short summary of consultation responses will also be emailed prior to the event.

What became very clear through the consultation process is the need for a clearer and more robust accountability framework for the education and training for this group of young people. A simpler and more straightforward framework is needed if we are going to leave behind the hit and miss approach to educational progress and achievement. The issues paper focusing on accountability included in the consultation is provided as an appendix to this paper.

There is a strong case for saying that if we can establish an effective framework of roles, responsibilities and accountabilities, then improvements in participation, curriculum and workforce development can follow rapidly, in line with mainstream education policy where appropriate. The primary challenge is to put in place a new and stronger framework for accountability for education for young people in the youth justice system.

The recent appointment of our new Prime Minister, and his machinery of government changes provides us with a timely opportunity to review how we can best develop a new accountability framework nationally, regionally and locally to improve young offenders' experiences of education and training and to improve outcomes.

The Department for Children, Schools and Families (DCSF) will now take lead responsibility for policy covering education and training for young people supervised by the youth justice system, and will work closely with The Department for Innovation, Universities and Skills on adult offender learning policy, and with the Ministry of Justice, Youth Justice Board, Learning and Skills Council and the Department for Work and Pensions, amongst others.

Other relevant changes recently announced include intentions for the Youth Justice Board to report jointly to the Ministry of Justice and the Department for Children, Schools and Families, and for the planning and funding for 14-19 education (except Apprenticeships) to transfer to Local Authorities in order to provide strong strategic leadership for the full 14-19 phase.

The outcomes we aim to achieve

By the end of this event our aim will be to have

- sharpened up the implications for putting in place more robust national, regional and local frameworks for accountability;
- identified the levers for change that needs to take place nationally, regionally and locally to create a system with clear roles and responsibilities and sufficient flexibility to meet a diverse range of needs, and
- developed an action plan to take our ideas forward over the coming months.

The way we want to work during the event

At the event, we want to tackle these issues by drawing on our collective expertise and experience and, most importantly, by being willing to consider propositions **from different viewpoints**.

I'm sure you're all familiar with events where participants act as strong persuasive advocates for a particular group, organisation or sector. That's not what Open Agenda events are about. We actively encourage participants to view issues from different angles, and try and put organisational loyalties to one side. At this event, the viewpoints we will **all** need to consider will be those of the young people we want to provide with more effective training and learning, their families and those with responsibility to teach and safeguard them, if we're going to work up some robust propositions that are likely to attract their buy in and support.

Advocates only represent one viewpoint. Their aim is to persuade others round to their way of thinking by the power of their arguments. While this is a valued role, it is not helpful for ideas-building. It can often result in people becoming locked in battles of views, where no one is prepared to shift in their thinking, or give up an inch of ground! This is why we hope everyone joining the event will be as open minded as possible, and accept that we are engaging in areas of debate in which **no one is certain of all the answers or the best way ahead**. This can sound risky to some – and feel even riskier as we go through the process – but the great pay-off is that it really does give us the opportunity to break new ground in our thinking.

St. George's House

For those who haven't been in on an Open Agenda event before, the reason that we are holding this event at St. George's House is that the aim of the House is to create an atmosphere of trust in which well-informed people can bring fresh thinking to key issues that will have impact on our future.

It is **NOT** the sort of place where delegates with badges listen to speeches. It **IS** a place where free spirits can try out new ideas without fearing the consequences.

If you are coming to an event at St. George's for the first time, we'd like to forewarn you that when you arrive, you will find that you are not offered a key to your room. This is quite intentional, and is because the Dean, Canons and Warden welcome you to the House, as their home. We hope that you'll feel that you can enter into the spirit of the place as a safe and welcoming environment, and that the experience will be both creative and enjoyable.

Our agenda for the 2 days is outlined overleaf. If anyone needs to contact you urgently whilst you're attending the event, the 'phone number for St. George's House is **01753 848848** and the fax number is **01753 848849**.

Agenda

Thursday, 26 th July	from 11.30 am	Arrival at St. George's House
	12.15 pm	Light buffet lunch in St. George's House
	1.30 pm prompt	<p>Opening Session in the Vicars' Hall. Agree our goals and ground rules for discussions</p> <p>Open our discussions by agreeing what we want to include under the umbrella of accountability. Move on to explore the question:</p> <p><i>Where does accountability for education need to sit (nationally, regionally and locally) to give young offenders the best chances of reintegrating with their peers and becoming confident, law abiding members of society?</i></p>
	3.20 pm	Short break
	3.10 pm	<p>Second Session Consider in greater depth our early proposals.</p> <p>Work through the inter-relationships that need to be established between national, regional and local elements of an accountability framework to ensure that it is fit for purpose as a whole.</p> <p>Agree headline changes that will be needed (to be considered after evensong)</p>
	4.55 pm	Tea
	5.05 pm	Sung Evensong in the Chapel for those who wish to attend
	6.05 pm prompt	<p>Evening Session During this session we want to work through how we get to where we want to be from where we are now. We will identify :</p> <ul style="list-style-type: none"> • the headline changes that need to take place; • who and how they can be made to happen, and within what sort of timescale; • any dependency factors that will affect their success, and • how we should measure impact.
	7.40 pm	Break for pre-dinner drinks in the sitting room
	8.05 pm	Dinner – we encourage people to dress as informally as they wish for dinner
9.45 pm	Private Tour of St. George's Chapel, led by Andrew Carter, Warden of St. George's House	

Friday, 27th July	8.00 am	Communion in the Chapel, for any who wish to attend
	8.28 am!	Breakfast in the Dining Room – timed just before 8.30am to coincide with the end of Communion
	9.15 am prompt	<p>Morning Session in the Vicars' Hall, with short breaks during the morning</p> <p>During the morning session we want to:</p> <ul style="list-style-type: none"> • test out our propositions – are they robust enough to take forward to make happen? Are there any areas that need further thinking through? • agree our work plan to take these ideas forward and make them happen over the next 12 months or so.
	12.30 pm	End of the event, followed by lunch

Our approach to the opening session

Important key notes of our approach to these events are informality and confidentiality. So we dispense with the usual 'round robin' of introductions and format of opening presentations. Instead of going through the creeping death of introductions, we will just put first names on badges to make it easier to see each other's names. When you arrive, you will find your name badge on a table in the Patricia Hotung Room, on the ground floor of St. George's House. Alongside the first name badges you will also have a first name participant and contact list.

We will also **not** be including any opening presentations. However good, opening speeches encourage the 'us and them' habit, with one or two people being expected to produce all the answers, and the rest of us lobbing in questions and indulging in the sport of picking holes in their arguments! We want to begin this event as we mean to continue – with a fast flowing informal discussion, in which we **all** feel that we have a responsibility to put forward ideas and, in doing so, **take risks** in breaking new ground.

What is the case for change?

So why is there a need to change our approach to children and young people who offend? The following facts speak for themselves.

Re-offending, costs and accountabilities

- Research found that 78.2 per cent of young people sentenced to custody re-offend within one year, for community sentences, this figure is 70.3 per cent;¹
- The estimated total cost of youth crime for Great Britain was in excess of £1 billion in 2004.
- An Audit Commission report estimated that if early intervention had been provided for just one in ten young people sentenced to custody each year, public services alone could have saved over 100m each year.

¹ Whiting and Cuppleditch, *Re-offending of juveniles: results from 2004 cohort*, Home Office 2006

- It costs a total of over £60,000 per year to house each young person in a young offender institution and upwards of £200,000 in secure training centres and secure children's homes. In 2006, the Youth Justice Board spent £281 million on secure accommodation.
- It costs just over £4000 to educate a child at school for a year, compared with almost double this to educate them in a young offender institution for a year. And the cost of education per person is estimated to be eight to ten times greater in secure training centres and secure children's homes than in young offender institutions.
- Young people detained under order of the court (in custody) are removed from the powers of the Education Act 1996, removing their entitlement to the provisions that this Act makes and excusing the Local Authority from providing education (and related services) for young people in custody
- Although youth offending teams have a Youth Justice Board-set target to ensure that 90% of the young people they supervise are in full-time education, training or employment by the end of their sentence, youth offending teams are not ultimately accountable to the Youth Justice Board but the Local Authority Chief Executive. The Youth Justice Board sets performance indicators, but has few levers to ensure these are reached.
- Youth Offending Teams have numerous different funding streams, all of which have different conditions attached. One Youth Offending Team reported that they accessed 22 different funding streams.

Personal backgrounds of young offenders

- Over 80% of young offenders have used a drug in the last year;
- Around 40% have a diagnosable mental health disorder;
- Only 30% live with both parents;
- At least 40% have a previous experience of care.

Educational experiences of young offenders

Achievement

- 42% of young offenders were rated as under-achieving at school. This compares with 24% of the general population of young people.
- Only 12% of young offenders achieve 5 A-Cs at GCSE, compared to 56% of all young people;
- Of those of compulsory school age entering custody, 40% had numeracy skills levels at or below that of a 7-year-old
- 15% of youth offending team clients have statements of Special Educational Needs and it is estimated that the actual proportion of young offenders with Special Educational Needs are much higher.

Statements of Special Educational Needs, and the resources and support that this brings, do **not follow the child** into custodial settings. It has been estimated that as many as half of those arriving in custody either had, or should have had, a statement of special educational needs and yet in less than one per cent of cases young

offender institutions are aware that new arrivals have had a statement.

- There is a lack of central monitoring and tracking of educational outcomes of young offenders. Local Authorities do not routinely monitor outcomes.

Truancy and exclusion

- 41% of young offenders are regularly truanting. This compares to 2% of the general population of young people, twenty times less;
- 27% of young people supervised by youth offending teams had experienced permanent exclusions. Of the general population of young people, only 0.25% have been permanently excluded at some time;
- A survey of young people in young offender institutions found that 83% of boys had been excluded and 41% of boys and girls were aged 14 or younger when they were last in school;
- Recorded offending almost doubles after a young person has been excluded from school;
- Although school registration rules have changed so that any young person serving a sentence of four months or less must be kept on the school roll, schools may remove young people serving longer custodial sentences from their roll.

Participation in education

- OfSTED found that it is not uncommon for pupils who are permanently excluded **to wait a year or more** before they are provided with alternative education;
- Only one-third of youth offending teams report that they are able to gain timely and appropriate access to education services;
- On a given day, research suggests that only around 35-40% of the young people in the youth justice system are in receipt of full-time education, training or employment provision;
- One in four of young people of school age had no education provision arranged at all;
- 40% of head teachers and only 25% of teachers considered secondary school to be suitable for young people who offend;
- It is not the role of youth offending teams to directly provide education, although some seek pots of funding to arrange discrete educational provision as there are unable to secure appropriate provision through local authority and LSC funded provision.

Education on release from custody

- 59% of young people under 18 in custody in 2002 had no plans to return to education after their release. Only 47% of those aged 15 and under said they would be going on to do some education when released;
- Only 6 per cent of youth offending teams said that young people were able to continue education started in custody after release;
- Anecdotal evidence suggested that, despite young people in custody often having access to limited courses and

qualifications, many young people do make significant progress whilst in custody, but that progress is often undone on transition back to the community (as a result of poor or ineffective resettlement planning and processes).

These are shocking facts and reveal a number of key issues:

- ➔ That once a child or young person has committed a crime, the odds are stacked against them; it becomes harder and harder for the young person to participate and achieve in meaningful education and training programmes.
- ➔ Engagement in education and training is a protective factor in reducing re-offending, but that current approaches are often not effective as ways of preparing young people for skills for life and employment, and to help them live a life free from crime.
- ➔ Funding and delivery of education and training for young offenders is often piecemeal and uncoordinated, particularly across regions. It is often neither effective in providing well established routeways out of crime, nor in reintegrating children and young people into mainstream provision.
- ➔ Responsibility for education and training for this group of young people is dislocated, with no single body at local, regional or national level having responsibility for the funding, progress and achievement of the educational and career development of this vulnerable group of children and young people.

What makes this even more shocking is that we are not talking about enormous numbers of children and young people.

Youth Justice Board statistics indicate that around 150,000 children and young people under the age of 18 enter the youth justice system each year, around 70,000 of whom are of compulsory school-age. In 2005/06, the highest number of 'disposals' (from police reprimand to custodial sentence) for young people was for 16 year-olds. Disposals almost double from age 12 to 13 and increase sharply at age 14 and 15.

Around 7000 young people enter youth custody each year (a total of around 3,000 young people at any one time). These young people are held in around 17 Young Offender Institutions, 4 Secure Training Centres and 15 Secure Children's Homes. Around 36,000 young people per year receive purely community sentences during which they are supervised by Youth Offending Teams in the community.

This is a significant number of young people, but surely not too great to develop a far more 'personalised' approach to each child and young person. An approach that we feel will be effective in rehabilitating them and ensuring that they have a positive future, rather than a 70% or greater risk of continuing a life of crime.

Our opening question

Before we launch into how we can change and strengthen the present framework of accountability, we want first to develop a shared understanding of what we mean by accountability and what it should include. This shouldn't take long, but it is worthwhile ensuring that we're all starting from the same place!

We then want to explore where **accountability needs to sit** (and be exercised) nationally, regionally and locally to give children and young people the best chances of **reintegration**. We want to consider how meeting **this objective will shape and improve the quality and delivery of education and training to help these young people** to lead happy, confident and fulfilling lives.

We determine the agenda

One of the key principles of Open Agenda events is that we determine the agenda as we go, in order to get the most from our time together. This means that, at any stage of our discussions, we can change the structure of a session, if we feel that it will help us achieve stronger outputs from the event – with one important proviso.

We find that groups go away far more satisfied with what we have accomplished by the end of an event, if we start off with a commitment to achieving **as much clarity as possible** in our discussions, and really push ourselves in **breaking new ground** and **moving ideas forward**.

Working in idea-generating groups

As an important part of the ideas-building process, we will break into '**idea-generating**' groups during the event to tackle key questions raised through our discussions.

The purpose of these groups is to focus on sharpening up the issues and developing ideas that we want to pick up and run with. Please use your time in groups to sound out your ideas and do **not** be tempted into trying to develop a group view.

We use these groups because it gives everyone an opportunity to think through different points of view and have their say, when this would be impossible as one large group because of time constraints. As a result, a number of different – even opposing – ideas can emerge from small group discussions.

This is what we're after: ideas and not a group view. For those who haven't been in on a Windsor event before, it's worth saying that it really helps us to leave the groups behind, if you make a point of **not sitting with members of your group** afterwards, and agree to outlaw the phrases "we think" or "my group thought that".

"We think" makes it difficult for group members to change their minds without feeling disloyal to their group. Also, "we think" has more authority than "I think" and, completely unintentionally, can make it less easy for others to challenge or discard ideas.

We will also break into groups for longer periods of time to '**build ideas**'. In this instance, it is more likely (but not certain!) that there will be agreement amongst members of the group. What we ask is that when you come to share your thinking with the rest of us, you **just give us the idea**. Please don't feel you need to share the journey your group has travelled in developing this idea! If we are not clear about its rationale, we can always ask questions.

Listening, going with the flow and sharing debate

We need to manage our time together carefully as one large group, if we're going to develop the momentum we need to move our discussions forward.

Developing ideas needs careful listening. Let's try and stick to the rule that when someone comes in on the discussion, they **follow on** from what the person before them has said, before moving on and starting a fresh train of thought. Please also resist the temptation of making more than one point. As soon as someone says "*I'd just like to make two or three points at this stage in our discussions*" the ideas stop flowing, as we are drawn to recap on what's gone before.

Of course, when we're together as one large group we want **as many people as possible to participate**: brainstorming is not a spectator event. So we'll try and ensure that the more confident, natural talkers amongst us don't squeeze others out.

Meeting everyone's expectations

We are bound to arrive at Windsor with very different views about the priorities and issues involved in improving education for young people supervised by the youth justice system. This is why we should give ourselves some time early on to work through **as a group** the issues we feel are most important for us to explore during our time together.

Developing ideas is always a messy process, especially during the opening stages. It can be frustrating for those who like to focus quickly on what they feel is **the** key issue that needs to be tackled, and want to get on with sorting it out. The difficulty with this approach is that one person's key issue is another's back burner!

So, we would like to ask that we all try to be as relaxed as possible in the opening session, and let as many as possible have their say, so that we can build up a head of steam **as a group** in identifying the issues we want to explore in greater depth.

Overleaf are the Conventions of St. George's House for consultations and ideas building events held here at Windsor Castle. At the beginning of the event, we will ask you if you are happy to adopt them as ground rules for our discussions.

We very much hope that you'll be open to giving them a go, as experience has shown that their application can make an enormous difference to both the quality of debate and the ideas that emerge.

Krycia Hudek, Open Agenda

Simon Wilson, Wilson Sherriff

9th July 2007

St. George's House Conventions

1. *Please be open to changing your mind*

We hope that during your time at the House you will see yourself as a “free spirit”, open to the possibility that the opinions you hold most dearly, on the topic under discussion, might actually be wrong. Once we each take that step, we find that it is much easier to persuade others to question their own assumptions, as well.

2. *Please do not attribute remarks to individuals after the event*

At all House events, we ask groups to agree at the outset that comments made in plenary or small group sessions will not be attributed to individuals afterwards. We have a firm convention that people should not be quoted without their permission, and commend this to you most strongly.

3. *Please take risks with ideas*

The most successful Consultations at the House have been those where individuals feel sufficiently relaxed, and supported by others, to be able to take risks with ideas. This requires a high degree of trust among a group, and we hope that from the outset you will seek to build that trust.

4. *Please try and avoid any false consensus*

We hope that if you find a consensus emerging in your discussions, you will check to ensure that it is soundly based. It can sometimes be very difficult for individuals to resist the pressure to agree with their peers, and we hope that healthy debate will not be stifled by a false consensus.

5. *Please use “plain English”*

At just about every event, one of the biggest struggles is with the weight of technical language that some speakers tend to use, and others leave unchallenged for fear of displaying ignorance. We ask **everyone** joining a Consultation at the House to avoid using acronyms, and to be ready to intervene in debate to ask colleagues to use “plain English”.

Andrew Carter

Warden of St. George's House

Appendix 1

Consultation, Issue 4: Clarifying Accountability

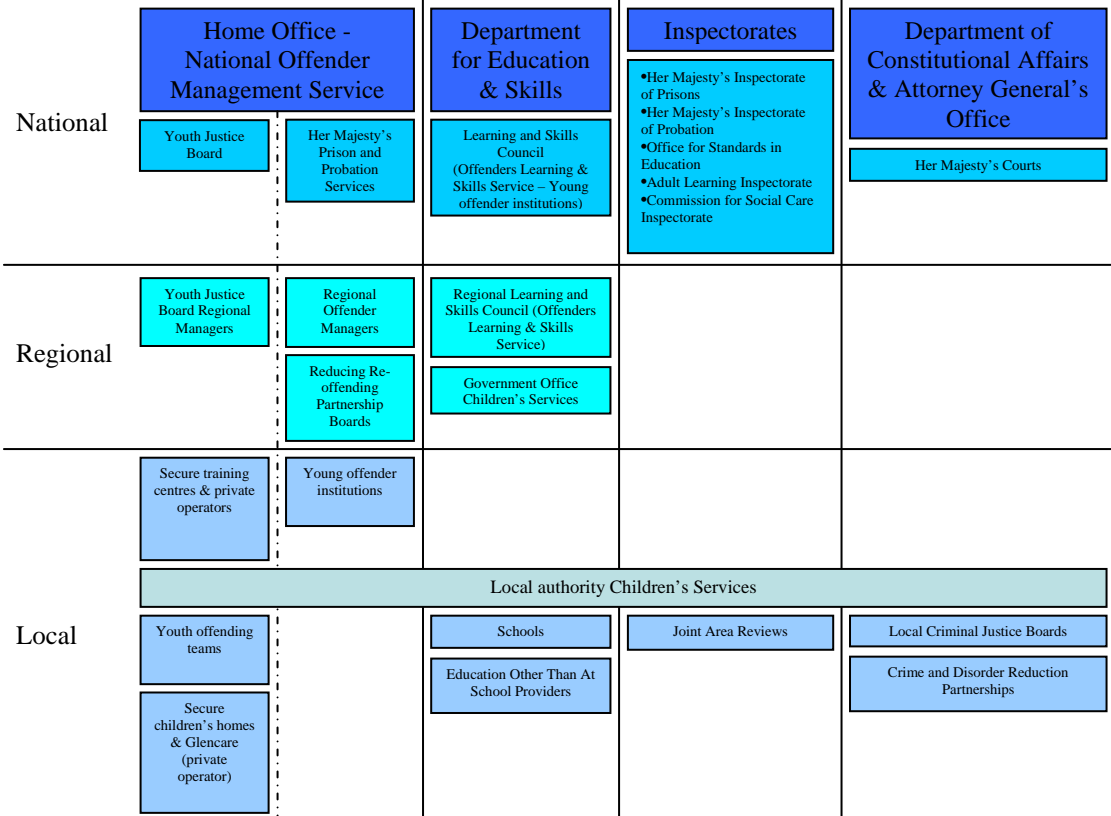
ACCOUNTABILITY FOR YOUNG OFFENDERS’ EDUCATION

1. The *Next Steps* document stated that “the education delivery landscape for young offenders is complex. It is therefore critical that national, regional and local stakeholders are clear on roles and responsibilities for planning and delivering education and for raising the standards of teaching and learning”. We want to ensure that accountability mechanisms are robust and clear in order to raise education standards and outcomes for young people supervised by the youth justice system.

2. Key players in the delivery of education for young offenders

2.1. The policy, planning and delivery systems for services for young people in the youth justice system, including education, operate in a multi-agency environment.

Figure 1: Key players in the delivery of education for young offenders*



3. National, regional and local complexities

3.1. **National arrangements** - The Department for Education and Skills does not have a formal or contractual relationship with the Youth Justice Board. However, closer working practices between the Department for Education and Skills and Youth Justice Board over recent years include the provision of a Remit Letter from the Department for Education and Skills specifying education, training and employment outcomes to be delivered by the Youth Justice Board against additional funding provided by the

* NB: this diagram does not attempt to display accountability and funding streams between the agencies pictured.

Department. The Youth justice Board is an executive non-departmental public body of the Home Office and accounts to the Home Office through regular reviews. Education requirements have been largely driven by performance indicators set by the Youth Justice Board (based on the national curriculum), and is now supplemented by the Department for Education and Skill's *Offender's Learning Journey*.

- 3.2. **Variation in regional and local planning and delivery** - There are complexities among the delivery agencies at regional and local level for the coordination of youth justice learning and skills services. For example, the Youth Justice Board operates primarily at the national level (the Youth Justice Board regional manager role is primarily in monitoring performance against the Youth Justice Board national performance indicators), while the Learning and Skills Council has a regional structure. However, the youth justice system places most emphasis on local structures through youth offending teams at local authority level. Regional offender managers (reporting to the National Offender Management Service) as commissioners of services for adult offenders, also have a remit to reduce re-offending in their region which includes consideration of developing services in the community to ensure effective transfer for young people from pre-18 to post-18 provision.
- 3.3. **Variation across local authorities for meeting young offenders' needs**- Directors of Children's Services in each local authority are accountable for all children and young people residing in their local authority area, although planning and delivery arrangements for services for young people supervised by the youth justice system vary widely across local authorities. Local authorities are not accountable for education delivery in custody. The extent to which services for young offenders are based around the Every Child Matters framework and the five outcomes is also considered to vary across the country.

4. **Multi-agency alignment of targets and incentives**

- 4.1. **Conflict between targets and incentives** - It is reported that multi-agency targets and performance indicators often conflict and provide unhelpful competing drivers in meeting the education needs of young offenders. The National Audit Office reported that over half of youth offending teams (54 per cent) experienced some conflict between their targets and those set by local schools¹. It is routinely perceived by youth offending teams that schools are reluctant to take on young offenders, as there are few incentives within the system to do so. It is widely considered that school performance reporting provides a disincentive to schools to take on young people displaying challenging behaviour, many of whom are under-performing in terms of attainment.
- 4.2. For young offenders sentenced to custody, it is often the case that schools lack financial incentives to meet their needs. Funding is paid to schools 'per pupil' and often the funding for the pupil's place is retained by the school when the young person enters custody, thus providing a perverse incentive for schools not to tackle anti-social behaviour and youth crime.
- 4.3. Differences in monitoring and reporting can cause confusion within the sector and is likely to contribute to issues around accuracy of data. The youth justice system requires participation data to be reported at the end of the young person's sentence, whereas Connexions services are required to report participation in education, training and employment at a snap-shot in time, thus creating differing statistics.

4.4. Anecdotally, the plethora of ‘participation’ performance indicators and targets are largely a result of the absence of a central government target, for example for ‘participation/engagement’ by young people in the youth justice system. Currently Government targets seek primarily to prevent young people from engaging in anti-social behaviour and crime, and thus to stop them from entering the youth justice system. Feedback from partners and agencies suggest that current targets and financial incentives do not foster multi-agency working to target this high risk group and to encourage mainstream providers to play central roles in meeting the needs of this group of young people.

5. **Accountability for education in custody**

5.1. **Youth Justice Board requirements** - The Youth Justice Board sets performance indicators for the number of hours of education, literacy and numeracy assessment, and progression:

- 90 per cent of young people in young offender institutions will receive 25 hours a week of education, training and personal development activity. Young offender institutions must also ensure that attendance rates for timetabled education and training sessions do not fall below 90 per cent.
- In secure training centres and secure children’s homes, 90 per cent of young people will receive 30 hours a week of education, training and personal development activity.
- All young people entering a secure facility to be assessed for their literacy and numeracy needs.
- 80 per cent of young people (on detention and training orders of six months or more in secure training centres and secure children’s homes, or 12 months or more in young offender institutions), to improve by one skill level or more in literacy and/or numeracy.
- All young people entering secure facilities will have a training plan developed and subsequently reviewed in accordance with the *National Standards for Youth Justice Services*.ⁱⁱ

5.2. **Accountability in young offender institutions** - The majority of young offender institutions are managed by Her Majesty’s Prison Service and the Youth Justice Board purchases places for under-18s who are held in discrete juvenile wings. A service level agreement between the Youth Justice Board and Her Majesty’s Prison Service refers to the Department for Education and Skills document *The Offender’s Learning Journey (Juveniles)* as articulating the requirements for education delivery in young offender institutions. The Youth Justice Board monitors compliance against the service level agreement through regionally based Youth Justice Board monitors reporting to the national Youth Justice Board. The Youth Justice Board regional monitors also report on the Youth Justice Board performances indicators and against the *Effective Regimes Monitoring Framework* designed to highlight issues concerning quality.

5.3. Through the Offenders Learning and Skills Service, the Learning and Skills Council has contracted with a range of further education, local authority and private providers to deliver education in young offender institutions (and in the adult secure estate). The contracts are for a three year period, until July 2009. The requirements for Offenders Learning and Skills Service delivery are set out in the Department for Education and Skills *Offenders’ Learning Journey (Juveniles)*. Funding is transferred to the Youth Justice Board to enable them to exercise its statutory duty to commission and purchase

learning and skills provision for young people in custody. This money is supplemented by a discretionary contribution from the Youth Justice Board to enhance provision (via its core funding from the Home Office). The combined funds are transferred annually to the Learning & Skills Council.

- 5.4. Through its partnership agreement with the Learning and Skills Council, the Youth Justice Board uses Learning and Skills Council staff to provide quality assurance and performance monitoring/improvement capability for education and training delivered through the Offenders Learning and Skills Service. Monitoring of contract compliance against service level agreements and against national standards is also carried out by Youth Justice Board regional staff and reported upon quarterly.
- 5.5. **Accountability in secure training centres** - Secure training centres are purpose built centres run by the private sector according to contracts (three of which are held by Home Office and one by the Youth Justice Board, although all are managed by the Youth Justice Board) which set out detailed operational requirements. The contracts set out the Youth Justice Board expectations for the provision of education at the secure training centre with contractual obligations. A Youth Justice Board monitor or assistant monitor is located on-site (this is unique to secure training centres, and does not occur in young offender institutions and secure children's homes) to examine this data and make a monthly report on any breaches to the contract to the Youth Justice Board regional monitor. In the event of breaches to the contract, contractors are fined by the Youth Justice Board.
- 5.6. **Accountability in secure children's homes** - The majority of secure children's homes are run by local authority social services, and are overseen by the Department for Education and Skills. However one secure children's home is run by 'Glen Care', a private care provider and a further two have charitable status. The Youth Justice Board hold contracts with secure children's homes which set out requirements for services for young people accommodated in them. The Youth Justice Board requirements for the delivery of education are set out in the *National Specification for Learning and Skills*. In terms of monitoring, secure children's homes have a self-reporting system and Youth Justice Board staff visit them to spot check performance against their specifications. Regional Youth Justice Board monitors collect the data, although there are few specific sanctions to improve performance apart from 'name and shame'. However, the Youth Justice Board regional manager can escalate under-performance to the national office which can result in the appointment of consultants to improve practice. There is also a degree of 'competition' for business from the Youth Justice Board amongst secure children's home providers.
- 5.7. **Inspection of custodial education provision**- Young offender institutions are inspected by Her Majesty's Inspectorate of Prisons. Within these inspections, they invite Ofsted and the Adult Learning Inspectorate to specifically inspect education and training programmes at the institution. Her Majesty's Inspectorate of Prisons reports are published and although they contain the key points from the Ofsted and Adult Learning Inspectorate contribution, the results of the full education inspections are not published. The Commission for Social Care Inspectorate inspects secure training centres and secure children's homes and invites Ofsted to specifically inspect education. Inspection reports for secure training centres are published on the Commission for Social Care Inspectorate website and contain a section on education and training. To protect the privacy of children using these services, secure children's homes inspection reports are not available online. They are, however, available by

contacting the Inspectorate directly.

5.8. Ofsted has an inspection framework for under-18s in young offender institutions, although criteria are based on the *Common Inspection Framework* used for mainstream schools. It also takes into account Her Majesty's Inspectorate of Prisons' *Juvenile Expectations, criteria for the conditions and treatment of children and young people in custody*. For secure children's homes and secure training centres, an amended version of the *Common Inspection Framework* is used, with a specific section on the five Every Child Matters outcomes. In both cases, the frameworks make reference to how well learners are prepared to return to the community or to transfer to another establishment. Inspection occurs through a mixture of unannounced and planned inspections. If an inspection team finds areas of serious concern, an unannounced follow-up inspection takes place to assess progress made against the action plan drawn up following the original inspection.

6. Accountability for education in the community

6.1. **Securing access to education, training and employment** - It is not the youth offending team's role to deliver education but to work with local partners and agencies to broker and secure access to education, training and employment which best meets the young person's needs.

6.2. Local authorities have a duty to ensure provision is available for all young people of compulsory school age who are residing in the community (this excludes young people in custodial establishments). Youth offending teams have little control over the configuration of local education services (including mainstream school provision, alternative and work-based provision) and local authorities and mainstream providers must work with youth offending services in order to arrange education, training and employment to meet the needs of young offenders. However, difficulties reported by youth offending teams in securing appropriate education, training and employment provision for young offenders indicate a shortfall of mainstream education providers and services to meet the needs of this group of young people.

6.3. Youth offending teams sometimes procure education, training and employment provision themselves because they are unable to broker or secure appropriate local authority or Learning and Skills Council funded alternative provision to meet the needs of young offenders. Engagement in 'discrete' provision by young offenders can further disengage them and reinforce silos and barriers to participation in mainstream education and services. This affects the promotion of continuous engagement in education, training and employment and progression beyond the end of the sentence. It also leaves mainstream providers unchallenged in ensuring that provision is available to meet the needs of these young people.

6.4. There is a key role for school leaders working with youth offending teams to ensure that, where possible, young people remain in mainstream education provision. This has become more complex as schools have been given greater autonomy from local authorities. There are significant opportunities for development through, for example, the extended schools strategy and the Ministerial expectation that by September 2007 all secondary schools should be working in partnership to improve behaviour and tackle persistent absence. However, there are very few incentives for schools to work to keep young offenders in mainstream schools and there are some strong disincentives arising from concerns of other staff, pupils and parents, as well as financial

disincentives.

- 6.5. It is critical that arrangements for planning children's and young peoples services consider the needs of young offenders and include representation from local youth justice services in order to ensure local arrangements (both mainstream and specialist) meet the needs of this group of young people. This could include local authority education services planning, local area agreements, 14-19 partnerships, children's trusts, extended schools policies and safer schools partnerships.
- 6.6. **Accountability for youth offending teams** - Although the Youth Justice Board sets requirements and performance indicators for youth offending teams, they are not accountable to the Youth Justice Board. They account to the local authority chief executive, often via the Director of Children's Services or via community safety services in local authorities.
- 6.7. The Youth Justice Board provides some funding for youth offending teams and if they do not properly monitor performance or if their performance is unsatisfactory, the grant can be withheld. However, the Youth Justice Board grant provides only 20.5 per cent of all youth offending team budgetsⁱⁱⁱ and the remainder comes from other locally negotiated sources e.g. social services and the Neighbourhood Renewal Fund.
- 6.8. The Youth Justice Board has set 14 performance indicators for youth offending teams measuring areas of practice most likely to reduce re-offending. The performance indicator directly related to education is to ensure that 90 per cent of young offenders supervised by youth offending teams are in suitable, full-time education, training or employment by the end of their sentence. However, with only 20.5 per cent of youth offending teams' budgets coming from the Youth Justice Board, it is unclear if there are adequate levers to achieve this figure. Youth offending teams are also required by the Youth Justice Board to undertake annual quality assurance audits of their practice against a selection of the Youth Justice Board's *Key Elements of Effective Practice* (one of which is 'education, training and employment'), and to put improvement plans in place to address any shortcomings. Youth offending teams must produce statutory youth justice plans setting out their priorities will be for the coming year and how they will achieve them as part of the wider local authority children's services plan.
- 6.9. **Inspection of youth offending teams** - Youth offending teams are inspected by Her Majesty's Inspectorate of Probation, with participation from eight other inspectorates, including the Audit Commission, the Healthcare Commission and Ofsted. These joint inspections began in September 2003 and all 155 youth offending teams in England and Wales are to be inspected over a five to six year cycle. The reports are available on the HM Inspectorate of Probation website. Youth offending teams are also inspected as part of local authority children's services Joint Area Reviews, which again are an amalgamation of inspectorates, similar to those used for the HM Inspectorate of Probation inspections. Reports are available on the Ofsted website, although only a small section of the wider inspection reports is dedicated to education.
- 6.10. **Roles and responsibilities for safeguarding** - Section 11 of the Children Act 2004 places a duty on key persons and bodies to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children. Amongst others, this duty applies to a local probation board for an area in England; a youth offending team for an area in England; and the governor of a

prison or secure training centre in England (or, in the case of a contracted-out prison or secure training centre, its director).

- 6.11. The section 11 duty complements the duty placed by section 175 of the Education Act 2002 on local education authorities and the governing bodies of schools and further education institutions to make arrangements to carry out their functions with a view to safeguarding and promoting the welfare of children. Proprietors of independent schools also have a duty to safeguard and promote the welfare of children at schools under section 157 of the Education Act 2002.

7. **Experience of a young person in the system**

- 7.1. As young people move around the system, roles, responsibilities and accountabilities for their experience of education, training and employment can become complex and are often not aligned. Many young offenders have been excluded from school, have been regular truants or have dropped out of the education system altogether. For permanently excluded young people, the local authority has a duty to provide suitable full-time education from the sixteenth day of their exclusion. From September 2007, this will change so that provision must be available from the sixth day of a permanent exclusion. From February of this year, local authorities have been legally required to make arrangements to identify all children missing education in their area. This is defined as children of compulsory school age who are not on a school roll and who are not otherwise receiving suitable education, through home schooling or alternative provision.
- 7.2. For young people above the age of compulsory education, the local authority may have little to do with the young person (unless the young person is known to the local authority through safeguarding arrangements, Social Services, children in care, drug action routes, etc). Young people of any age up to 18 may also be known to the local youth offending team if they have previously committed an offence or have been deemed to be at risk of offending by the local authority. Prevention work for this latter group is carried out either directly by the youth offending team or in partnership with other children's services and voluntary sector agencies. Once a young person commits an offence, their local youth offending team will work with them from the beginning of their involvement in the youth justice system to the end of their sentence and beyond. The function of the youth offending team is to supervise the young person and negotiate access to services such as education, rather than to provide services directly. However, some youth offending teams do provide services (including education) directly if they are unable to locate and secure appropriate existing local provision to meet the needs of the young people under their supervision.

Figure 2: Young people’s journeys prior to involvement in the youth justice system.

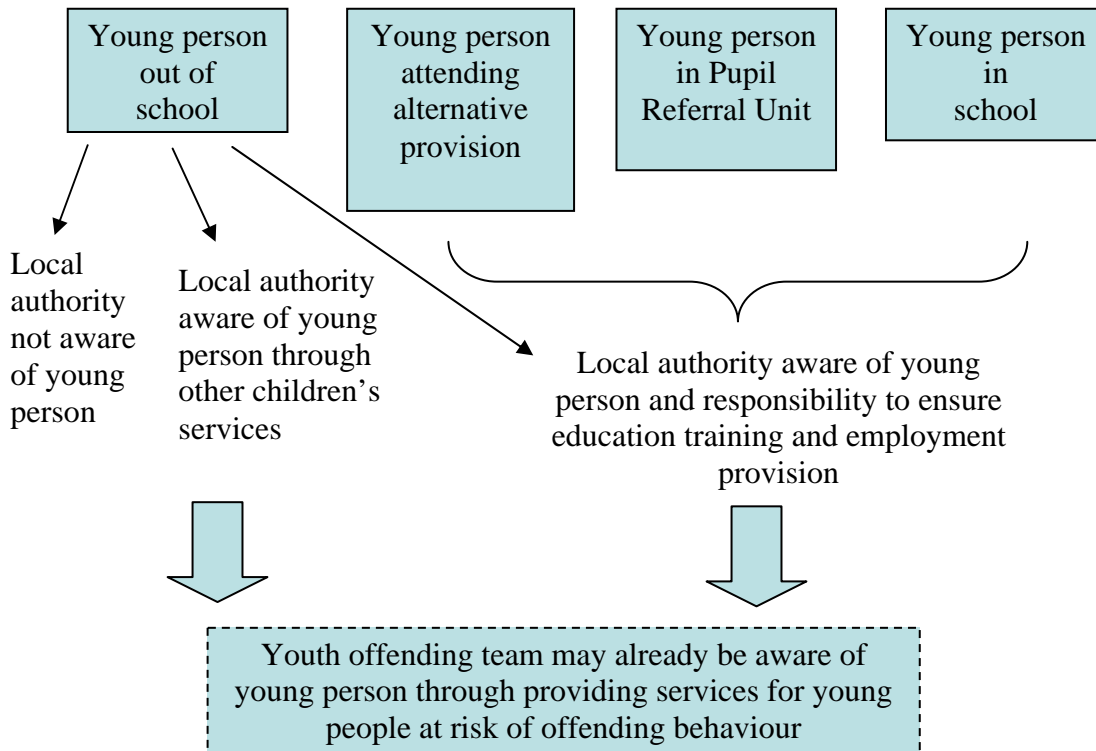
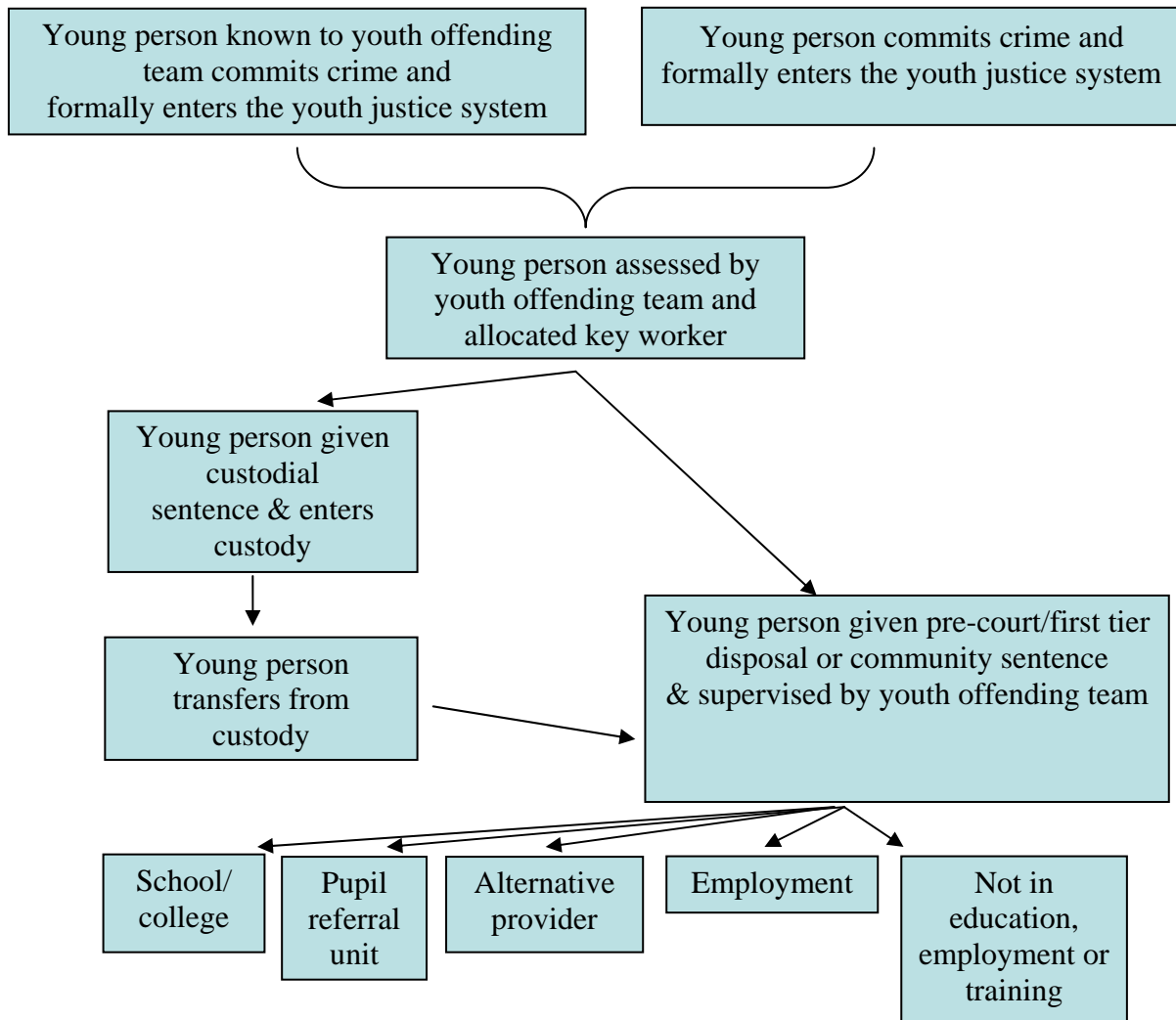


Figure 3: Young people entering and exiting the youth justice system



7.3. A young person moving through the system will therefore have contact with multiple professionals, including:

Youth offending teams

- Key worker
- Education worker
- Social services representative
- Police representative

Mainstream education providers

- Staff and teachers in schools/colleges

Alternative providers

- Pupil referral unit staff and teachers
- Alternative provider staff and teachers
- Youth workers

Connexions

- Connexions personal advisers

Jobcentre Plus

- Jobcentre Plus advisers

Mentoring programmes and additional support programmes

- Youth workers/mentors, etc

7.4. This can prove a complex journey for the young person, during which no single professional has responsibility for overseeing services provided. One result of this is that the young person may not have a consistent long term plan for education, training and employment.

CONSULTATION QUESTIONS

- 1) **Accountability Framework:** Do complexities in the accountability framework for young offenders undermine effective delivery of education and training for young offenders in custody and the community? What are the issues in developing a clearer accountability framework for the delivery of education for young offenders?
- 2) **Targets and funding:** What should be considered in ensuring that targets, performance indicators and funding across multi-agencies drive behaviours to best secure positive education, training and employment outcomes for young offenders? Which targets and funding streams cause the most difficulties?
- 3) **Inspection regimes:** How should we develop inspection and self-regulation regimes to ensure that we best improve education, training and employment standards and outcomes for young offenders in custody and the community?
- 4) **Incentives:** Are there any targets, inspections, funding streams, or wider disincentives that you think need to be addressed in order to provide incentives for key agencies to foster improved education and training outcomes for young offenders?

REFERENCES

ⁱ National Audit Office, *Youth Offending: the delivery of community and custodial sentences*, The Stationery Office 2004

ⁱⁱ YJB *Corporate and Business Plan 2006/07 to 2008/09*, YJB 2006

ⁱⁱⁱ *Youth Justice Annual Statistics, 2005/06*, Youth Justice Board 2007