

# UCU response to the green paper consultation: Transforming youth custody: putting education at the heart of detention

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University and College Union (UCU) is the largest trade union and professional association for academics, lecturers, trainers, researchers and academic-related staff working in further and higher education throughout the UK. Our members include those working in young offender institutions and the adult estate. We welcome the opportunity to respond to this Ministry of Justice consultation on 'Transforming youth custody: putting education at the heart of detention'.

- (a) How should we best engage young people in custody (both sentenced and remanded) in education and training? What evidence is there of different approaches that work well?

At present Young Offender Institutions (YOIs) deliver a range of education and training activities across a 15 hour week. Our members report that education provision is one of the most effective ways of engaging young people and supporting the rehabilitation process and this is supported by the research evidence that shows that offenders who engage in prison education are three times less likely to reoffend than those who do not.

Our members would like to see increased capacity to deliver a range of education and skills training, and in particular, an increase in the minimum hours of education that can be provided per week. Education provision in YOIs could be increased quite effectively by bringing it in line with the education provision in Secure Children's Centres and Secure Children's Homes, at 21 hours and 30 hours education respectively. Furthermore, the Raising the Participation Age legislation, will also need to apply to children in the secure estate.

- (b) How would you segment the young people in custody to deliver education and training?

Our members report that the existing system of grouping learners according to the level of study is effective for the study of academic subjects, particularly English and maths whilst vocational study can allow for a wider spread across levels. Small groupings are preferred in order to facilitate teachers' abilities to support the particular needs of the learners in their classes. Our members report that security is of a key concern when grouping students. As an example, gang conflict is a serious safeguarding concern and so the flexibility to be able to run parallel and separate classes is absolutely necessary. We would argue that this is a professional concern however, and so government plans should include maximum flexibility for decision-making at a local level.

- (c) How might the education balance in secure colleges best be struck between basic skills (literacy and numeracy, etc.), traditional academic subjects, vocational learning and wider life skills such as self-respect and self-control, communication and teamwork?

Again, teachers at a local level are best able to assess the appropriate balance for the learner across the range of education and skills provision. What is important, is that the funding system permits and wide range of activity, and that this is facilitated by appropriate contact hours and facilities.

UCU would like to stress that strong cross-disciplinary support is essential to the successful rehabilitation of children in the secure estate. Without strong health, particularly mental health and addiction support, and resettlement support, young people emerging from the secure estate, have little chance of a successful transition post-release.

All children who come into contact with youth justice services are vulnerable by virtue of their age. This vulnerability is compounded by the fact that they are significantly more likely to be disadvantaged socially, educationally, and economically. Though extensive, the following list highlights the nature of the vulnerability of these children. Any government steps to reform the youth custody estate must successfully address the welfare and education of these children. The Prison Reform Trust has highlighted<sup>1</sup> that:

- less than 1% of all children in England are in care, but looked after children make up 27% of young men and 55% of young women in custody
- 71% of children in custody have been involved with, or in the care of, social services before entering custody
- 43% of children on community orders have emotional and mental health needs, and the prevalence amongst children in custody is much higher
- 60% of children who offend have communication difficulties and, of this group, around half have poor or very poor communication skills
- around 33% of all children accessing local drug and substance misuse services are referred from the youth justice system
- 27% of children and young people who offend are not in full time education, training or employment at the end of their period of youth justice supervision
- 25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy
- 38% of boys screened on admission to custody in 2000-01 were at the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy
- the educational background of young people in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education
- 47% of prisoners say they have no qualifications. Half of all prisoners do not have the skills required by 96% of jobs and only one in five are able to complete a job application form

We are aware that the quality of purposeful activity provision can vary significantly across institutions and we therefore call for a reversal of the rule changes implemented in 2009 which saw responsibility for this provision move to the prison. We strongly believe that this would immediately lead to higher quality if responsibility for that provision lay with multi-disciplinary teams who are best placed to deliver these services. The key role of purposeful activity should be joint work to prepare young people for release so that young people leave with suitable accommodation and employment, education or training to go to. In addition purposeful activity must include as support with family relationships, substance misuse, health issues, behaviour management and managing

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<sup>1</sup> Prison Reform Trust, Prison Reform Trust, (2012), *Bromley Briefings Prison Factfile*, available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

money. We have anecdotal evidence to suggest that purposeful activity in some institutions is wholly inadequate with worst-case scenarios including children being asked to complete inappropriate tasks such as tea making and ironing for prison staff.

We are opposed to the introduction of alternative provision free schools in the secure estate.

(e) How would young people best be kept safe and secure in your model of a Secure College

The concept of a secure college is a difficult one. Being sentenced to a secure college could be a strong disincentive for children who have had negative experiences of education and schooling. Education could therefore be perceived as a punishment. This could seriously inhibit how children in secure units perceive education, placing further barriers to participation. As a result children may take longer to come to realise the joy and benefits of education and in worst case scenarios, completely reject this. Furthermore, UCU does not feel that it would be appropriate for children to be 'sentenced to education' as this distorts the meaning and purpose of education, this semantic shift is not conducive to the rehabilitation process as children should be sentenced for what they have done.

Currently many institutions are seeing proposed reductions in the number of prison staff and this must be reversed. Security must be at the forefront the provision for safeguarding and health and safety reasons as well as the obvious concerns. Security cannot be compromised. Reform of the education estate must include full staffing levels of both custodial and educational staff. To compromise on either of these reduces the capacity for creating an effecting learning environment.

(i) What skills, competencies and experience should staff have to successfully meet the needs of young people in custody? As a provider, how would you ensure that your workforce met these requirements?

Staff delivering educational provision should have the appropriate teacher training and qualifications to cover the range of engagement that they undertake with young people in custody. Similarly any individuals who work with children in the secure estate in a professional capacity should have the relevant accredited training and skills for that purpose. In order to recruit the best people, staff should be recruited according to their experience, qualifications, and skills. Following recruitment, continuous training and development are essential.

We welcome the extensive relationships that organisations from the voluntary and community sectors have built up in offender learning institutions. They carry out vital support work that is complementary to the education system.

UCU believes strongly that there is a need for staff working in the youth secure estate to have prison-specific training to accompany their professional qualifications and skills so that those working in prisons have an accurate understanding of the prison-specific challenges they may face. In addition it is essential that anyone working in the secure youth estate has an awareness of the particular needs of the learners that they will be working with.

(r) What physical environment might be required? How and to what extent could such a model be implemented within the existing youth secure estate?

The average Ofsted report of provision typically refers to dirty and inadequate areas of the estate and this is something that must be addressed as part of ongoing reform. Any child who is sentenced to custody must be held in conditions that are clean and safe and, in addition are conducive to learning and rehabilitation.

- (s) What are the key ways in which the costs of youth custodial provision can be driven down, recognising the constraints on public finances and the need to make significant savings?

This consultation provides an ideal opportunity for rethinking exactly who goes into custody and raising the threshold for this. Custody should only be reserved for the very few children who commit the most serious and violent crimes. Short-term custodial sentences are not appropriate for children. Placing children into custody for short-term sentences is in actual fact disruptive to the rehabilitation process. In addition, short-term sentences do not allow the education and support staff working in these institutions sufficient time or opportunity to support the rehabilitation of children who have been sentenced.

There is a perceived tension between reducing the cost of youth custodial provision and increasing the quality of education and training provision and reducing reoffending rates. However, research<sup>2</sup> has shown that a one percentage point rise in the proportion of the working-age population with Level 2 qualifications compared with those with no qualifications would cut the costs of crime annually by £320 million, and, to Level 3, £500 million. A 16 per cent rise in those educated to degree level could save the country £1 billion annually.<sup>3</sup> Furthermore, the 18-24 group accounts for 26-32 per cent of all registered offences committed annually. Two thirds of male prisoners in the 18-24 age group leaving prison are reconvicted within two years at a cost of £130 million. Over this period, an increasingly large proportion of the general population of the same age is still in education. It is clear, therefore, that the prioritisation of funding offender learning and skills is in fact a key way of recognising the constraints of public finances and the need to make public savings.

Any changes implemented must be implemented with the intention that they are long-term, but with a with effective monitoring involving appropriate and meaningful feedback processes for all stakeholders.

This consultation paper has been silent the role of the local authority (LA) in the reform and monitoring process and we would welcome further detail on the LA's role in providing post-release support for young people who have been released from youth custody. The local authority is well-placed to have oversight in this regard.

- (w) How might a payment by results incentive approach apply to a Secure College, and what outcomes should it focus on?

Payment by results and performance related pay structures do not work effectively in public sector organisations and should not be employed in the youth secure estate. They typically fail to recognise all improvements, and particularly so in the secure estate where seemingly moderate achievements

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<sup>2</sup> rison Reform Trust, (2012), *Bromley Briefings Prison Factfile*, available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/FactfileJune2012.pdf>

<sup>3</sup> John Bynner (2009), *Lifelong Learning and Crime: a life-course perspective*, IFL Public Value Paper 4, NIACE, p.11, available at: <http://www.niace.org.uk/lifelonglearninginquiry/docs/Public-value-paper-4.pdf>

represent key milestones and often significant work by practitioners. They also cause behaviour change which often limits a practitioner's scope of activity. Again in the secure estate a range of methodologies are often attempted in order to successfully engage a child. However, under payment by results systems, these steps which lead to success are viewed as successive failures.

Payment by results schemes also place the emphasis on providers meeting their targets and a skewed focus on providers being cost effective. This often means that as dedicated professionals, staff then conduct a significant amount of pastoral care that is both unpaid and unrecognised. There is then a significant danger that this good will and professional approach can be lost and replaced with a simplistic 'countable' outcome-only approach. This is not an appropriate approach for the children in the youth custody estate. Any new system must recognise the wider benefits of education and facilitate professional autonomy in all areas of service delivery.

Partnerships across professionalisms will be key to developing a more effective youth secure estate. Performance related pay schemes have been shown to be a disincentive to partnership work as they often fail to recognise the work of contributory lines of work and further more encourage individualistic behaviour. It is essential that any reforms encourage partnership working as the rehabilitation process is dependent upon this.