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Surname: LANSKEY

First name(s): CAROLINE

Title: DR

Position and employer: AFFILIATED LECTURER, UNIVERSITY OF CAMBRIDGE

Title: **Educational Pathways of Young People in the Youth Justice System: A Case Study.**

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**Educational Pathways of Young People in the Youth Justice System
A Case Study**

Executive Summary

Dr Caroline Lanskey
University of Cambridge
Institute of Criminology

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Introduction

It is widely recognised that young people in the youth justice system in England and Wales are educationally disadvantaged and marginalised. The disproportionately high levels of educational disadvantage amongst this group of young people are of concern from a criminal justice as well as an educational perspective; young people who are under-achieving at school and who are not engaged in education are 'at risk' of involvement in crime (Farrington, 2007). Education offers a form of protection through engagement in constructive activity and opening up alternative lifestyle options (Hurry and Moriarty, 2004, Youth Justice Board, 2005, Stephenson, 2007).

A major strand of youth justice policy over the past twelve years has consequently been aligned with education policies which focus on getting young people into education, training or employment (ETE). However, despite the input of substantial resources the numbers of young people supervised by YOTS in full-time education training or employment are lower than the national average. Why, despite the complementary policy interests do so many young people in the youth justice system remain educationally marginalised?

The research described here investigated this question. Its over-arching aim was to understand the factors that shaped young people's educational experiences during their time in the youth justice system. Its first objective was to develop an explanatory framework for the educational experiences of these young people. Its second and related objective was to identify practices (pedagogic, strategic and administrative) which support young people's engagement with learning. The project builds on work by the Youth Justice Board (2006) which identified several systematic and personal barriers to young people's engagement and considers how such exclusionary factors interact with the efforts of education and justice agencies to include young people in education.

Methods

This was a single mixed-method case study (Stake, 2000): the majority of the data collected and 'the theoretical drive' was qualitative but quantitative data were used to establish

background context (Morse, 2003). At the core of the research was group of 32 young people under the supervision of one youth offending service (YOS).

Data on the factors that shaped their education were collected in the following ways:

- Twenty six of the young people were tracked for six to eight months during their time with the YOS and interviewed twice, once at the beginning and once at end of this period. Six further young people were interviewed once (two with long custodial sentences and four with short community orders).
- Interviews were held with 18 youth offending professionals and managers with responsibility for young people with the YOS.
- Twenty-seven interviews and two focus group discussions were held with headteachers and staff at fourteen education providers working with young people from the YOS.
- Interviews and discussions also took place with six representatives from national policy and monitoring bodies: the Ministry of Justice, the Youth Justice Board and Ofsted.
- Fifteen days were spent observing teaching and learning in eight sites in the YOS area: three pupil referral units, two secondary school inclusion units, two young offender institutions, one special school.
- Youth Justice records (case diary entries and ASSET risk assessments of the 32 young people in the sample) were studied for references to education. Statistical background demographic and sentence data on the young people with the YOS were also collected.

The analysis was framed by the following questions: 1. What directions do young people's educational paths take during their time in the youth justice system? 2. What are the key

factors that shape them? 3. How do these factors interact? 4. How does their pattern of influence inform our understanding of young people's participation and engagement with education and training?

The first stage of the analysis was a quantitative mapping of young people's educational trajectories, which noted the type of education, training or employment provision, the number of times a young person changed provider and when this was as a result of a permanent exclusion. The subsequent qualitative analysis focused on identifying micro, meso and macro factors that were associated with young people's engagement in education and the direction of their education: interactions in the classroom; interactions in the school community with teachers and peers, the organisation of local education and youth justice provision and national education and youth justice policy. At each analytical level, data from multiple sources were coded thematically (Coffey and Atkinson, 1996) for insights into the factors that played a role in shaping young people's educational careers. The analysis was iterative and compared the themes that were discernible in the data at the different levels with existing educational and social theory.

Main Findings

- The research highlighted the complex network of education and justice organisations involved in policy and practice related to the education of young people in the youth justice system. It found that young people on custodial and community sentences are a subsidiary consideration in the process of education policy-making at national level and their interests may not always be accommodated.
- Data on young people's educational activities are dispersed amongst several organisations: the EFA, local authority, individual education providers. Ofsted has the most comprehensive view of the standard of education and educational progression of young people within the youth justice system in custody and in the community. As there is currently no systematic collection of data on the educational progression of young people within the youth justice system either in

custody or in the community, a view of the progress of these young people in comparison to the educational progress of the national population is not yet possible.

- The educational paths of many of the young people in the study were characterised by change and disruption. Full time attendance at a mainstream education provider became less common for the young people in the study as they grew older. Their educational experiences were similar to many young people identified as 'at risk' educationally but their criminal justice order could add a further layer of vulnerability. As well as 'at risk' they were often also defined as 'risky' students – a potential threat to the school community and to school performance.
- The dynamics of exclusion and inclusion which shaped the 'horizons for action' of the young people in the study could not be defined as a simple division between education and justice agencies or welfare and justice agenda. They existed within and between the institutions of education and youth justice and at multiple levels: in the classroom, in the school, in the local market of education and training providers and in education and youth justice policy. Moreover strategies undertaken in the name of inclusion could be exclusionary.
- The educational marginalisation of many of the young people in the study was compounded by systemic discontinuities in the increasingly fragmented system of education and training in England and Wales; the lack of flexibility in mainstream provision and the limited range of educational opportunities on offer by the more flexible alternative providers. Variation in the educational terminology used by different education providers was a barrier for some of the young people who were not always clear about the comparative educational levels of the courses or qualifications they were studying for.

- Alternative provision was more flexible but limited. For some the alternative range of vocational and foundation learning courses was a valued route to greater educational inclusion and progression. Others, however became caught in a continuous cycle of foundation level courses as they moved progressively to the margins of a fragmented field of educational provision until they reached school leaving age or came to the end of their youth justice order. Individual or collective attempts to reverse the exclusionary educational flow were often hampered by a lack of social capital. The young people's experiences generated feelings of social exclusion and reinforced doubts about the value of education.
- The young people in the study who flourished educationally did so in environments where personal relationships and social welfare combined to support learning through a 'dialogue of care' (Noddings, 2005). This was evident in the interweaving of welfare and educational conversations in the classroom; in the provision of formal and informal spaces for welfare in the school community and in the personal efforts of education and youth justice staff with the authority and skill to navigate around systemic barriers to ensure that young people's educational interests were prioritised. Young people who were able to pursue their educational interests despite their criminal records coped with the challenges presented to them and voiced the most positive views about their education.
- Despite the educational setbacks many of the young people experienced, they were keen to move forward and to carve out their own futures in adulthood. Their narratives of indifference and disillusionment as well as of aspiration and optimism are equal testament to the value of a coherent, integrated and imaginative education policy for young people in the youth justice system.

Recommendations

On the basis of the research findings 12 recommendations for youth justice and education policy in the YOS region are presented. As they are based on one case study an informed judgement would need to be taken on their relevance to other regions. They are grouped under the following themes:

- Formal recognition of educational vulnerability
- Diversification of educational options
- Continuity and progression
- Enhancing young people's agency
- Synergy of professional expertise

Formal recognition of educational vulnerability

1. In order to address the potential stigma of a criminal justice record, consideration should be given to formally designating young people who receive a criminal justice order as a vulnerable educational group. This designation would be underpinned by statutory support similar to those provided to young people who are 'looked after'. Monitoring of this group including the collection of statistical data on courses studied and progression would facilitate the development of effective policy interventions.
2. Closer collaboration between schools and local authority support services (including youth justice services) is needed to ensure young people's educational paths are not disrupted. There should be a default option not to exclude young people and where this is unavoidable, there should be a co-ordinated effort to ensure that the young person is placed in equivalent provision elsewhere. The excluding school should retain responsibility for the young person until such provision is found. Decision-making for mid-year admissions should be prompt so that young people are placed in provision in a timely manner.
3. Young people should be supported not just to find an ETE placement but throughout their education until the age of 18 years rather than only during their time in the youth justice system.

Diversification of educational options

4. There is a need for greater diversity and flexibility in educational provision across the educational institutions young people frequent to accommodate irregularities in the timing and progression of their previous educational careers including periods in custody and in order to provide a more stimulating and imaginative curriculum at

foundation level and beyond.

Continuity and progression

5. A stronger focus on educational progression instead of participation would be beneficial. This could include the monitoring of a young person's progress from an educational career perspective (ie across institutions) as well as progress within an educational establishment. Clear routes of progression should be established from innovative small-scale projects which may initially re-engage a young person's interest in learning.
6. It is important to take account of the collective impact of negative educational experiences. Over time the challenges and difficulties young people experience appear to have a cumulative effect and can lead to system fatigue. Education providers should monitor a young person's daily, weekly and termly educational timetables to ensure that there is a sufficient stimulating and engaging educational activity and appropriate support between welfare and educational needs is achieved.

Enhancing young people's agency

7. There needs to be greater clarity in the presentation of educational courses and qualifications to young people so that all are clear about the level of the courses they study, the relative value of the qualifications they achieve and the possible routes for progression.
8. There is scope for greater systematic consultation of young people about their learning along the lines of the example in Appendix 2. Consultation which is perceived to be meaningful, ie from which tangible actions are taken to improve young people's education is important.

9. The education advocacy role played by youth justice services on behalf of young people is critical as the 'social capital' of the young person or their family is not always sufficient to navigate the system successfully. Regular updates on educational policy developments e.g. in relation to admissions policies, SEN statements, curricular and exam courses would be beneficial to enable youth justice services to perform its advocacy role most effectively.

Synergy of professional expertise

10. It is important that there is a close working partnership between the YOS, education providers and other agencies, such as those linked to the Youth Contract initiative, in order that there is a consistent approach to working with individual young people.
11. There are pockets of good practice and expertise across the region and there is scope for greater knowledge exchange and sharing of good practice between education and youth justice professionals. This might involve, for example, the youth offending services sharing expertise on assessing risk, and education professionals on how to assess learning needs; the mutual sharing of good practice in relation to balancing welfare and educational needs and how to establish and maintain strong, trusting and positive relationships with young people.
12. It would be relevant to review lines of accountability for the education of young people in the youth justice system across funding, management and policy arenas in order to strengthen management and communication processes and increase the potential for systematic dynamism, innovation and creativity.

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