

## Commission on Young Lives

Prisoners' Education Trust (PET) welcomes the opportunity to respond to this call for evidence. We work with all prisons across England and Wales, funding distance learning courses in levels and subjects which learners would otherwise be unable to access in prison. We also carry out policy work, evaluating and monitoring the quality of education in our prisons. We have limited this response to areas within our influence and expertise, namely schools and exclusion, and education for children in STCs and prisons.

### Schools and exclusion - the 'school to prison pipeline'

The Commission will be well aware of the links between social exclusion, educational exclusion and being criminalised. Disadvantage is compounded as groups from minority ethnic backgrounds and those with neurodiverse conditions are overrepresented in school exclusion figures and in our criminal justice system. Research has found the existence of a 'school to prison pipeline' in the UK, with many people in prison having been subject to school exclusions and interrupted schooling, being labelled as troublemakers and as poor learners by teachers (through, for instance, being moved into lower sets based on challenging behaviour, rather than academic ability).<sup>1</sup>

The educational background of children in custody is poor—almost nine out of ten boys (88%) said they had been excluded from school and almost two-fifths (38%) said that they were aged 14 or younger when they were last at school<sup>2</sup>. Going into care can be extremely disruptive emotionally and educationally – while fewer than 1% of all children in England are in care, looked after children make up 33% of boys and 61% of girls in custody. Tracking outcomes is also poor – not enough is known about what happens to individual children once they are excluded from school and the National Pupil Database aggregated data is not shared systematically with the Ministry of Justice.

There is a lot to be learnt from Glasgow, which implemented local policies which seek to promote children's rights, inclusion, learning, development and wellbeing. These started from the basis that children have the 'inalienable and inviolable right to an education' and therefore it is the duty of the local authority, each school, and every member of staff to create the relationships and environment within which prevention and early intervention can support every child to realise this right. The outcome has been an 88% reduction in school exclusions in the past 10 years, alongside a 50% reduction in youth crime.

Similar policies and support mechanisms should be implemented across the UK. There needs to be more understanding of the impact of breaks and changes in a learning journey, and where this can potentially lead. Every effort should be made to keep children in regular education. There needs to be a wide-ranging review of Pupil Referral Units and other alternative provision and far more funding for intensive engagement and support. Ideally, councils should work towards a 100% inclusion commitment - working together with schools, social and health services and other youth agencies and this should be monitored nationally. Schools desperately need additional resources to be able to identify children at risk of exclusion and easy ways of referring them, and their families, for assessment and support quickly. Appropriate mental health, substance abuse and psychological support services are desperately needed.

### Children in prisons (YOIs) and Secure Training Centres (STCs)

Children in prison suffer from being an addition to the adult system and sometimes subjected to policies that are more appropriate for older prisoners. During the height of the Covid lockdown, children in prison were locked up for significant periods, some with as little as 40 minutes a day out of their cells. For some time, HMP Parc was the only establishment that managed to run classes and we supported [HMIP's assessment](#) that there was no reason for such significant disparity in such a small

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<sup>1</sup> Graham, K. 2014. 'Does school prepare men for prison?'. *City: Analysis of Urban Trends, Culture, Theory, Policy, Action*, 18(6), pp. 824-836. <http://dx.doi.org/10.1080/13604813.2014.962893>

<sup>2</sup> 257 HM Inspectorate of Prisons (2019) Children in custody 2017–18, London: HM Stationery Office

estate. During lockdown in the community, vulnerable children were eligible for taught education. This included those on the at-risk registers, those in care and those with an EHCP, and many children in prison would have been within these categories. In the community, children had an individual assessment with the aim of enabling their attendance at education where possible. The blanket ban on education for children in custody was disproportionate and not in children's best interests. We are also concerned that the disruption during Covid has created a long-term impact. It is important that children in custody do not fall even further behind their peers and can complete their education, including qualifications. This is fundamental to their life chances and their ability to resettle successfully on release.

The STC and YOI estates continue to lurch from crisis to crisis, (with the notable exception, again of HMP/YOI Parc) creating significant damage to the children held there. There are ongoing problems in these sites with 'keep apart'<sup>3</sup>, use of force and solitary confinement. We are concerned about the long-term impact this may have on already vulnerable children and on their opportunity and ability to study. Alongside the clear impact on welfare, children cannot receive a meaningful and progressive education under these circumstances. Time in cell is still far too high. Many children in prison continue to experience long periods of social isolation which causes emotional and psychological distress. We believe such restrictions are neither proportionate nor necessary.

HMIP have found that STCs cannot offer a decent regime for children and violence and self-harm in YOIs is at an all time high. Only Parc is sufficiently safe, using behaviour management processes to tackle violence and creating a less controlled environment, which improves outcomes for children. Parc has space for 20 boys, closer links to the local community and is the only children's prison that continually performs well in inspections and is praised for the education delivery. At Feltham and Cookham Wood there are problems with complex keep-apart protocols, which stop children from mixing for fear of violence. This hinders regimes and makes delivering education incredibly difficult. The high level of violence also leads to high levels of use of force against children and this level of aggression and disruption creates an unsafe space that limits opportunities for children to learn effectively.

There have been three Urgent Notifications on STCs and one on Feltham A. This is an extreme warning given by HMIP when an establishment is failing and cannot hold people safely. If we want to deliver education to children in custody, our whole approach to imprisoning children urgently needs overhaul, and there should be far greater use of Secure Children's Homes, which deliver far better outcomes for those in their care.

There were five girls living in Rainsbrook STC, when it closed in June 2021 due to safety concerns. There was only one Secure Children's Home placement available and therefore two girls were transferred into the adult estate, (despite one being due for release very soon) and the remaining two girls were transferred to Wetherby, a boy's prison. This ongoing situation is unacceptable, and we have no confidence in the Youth Custody Service being able to meet the needs of girls, support their emotional well-being and educational progression while they are held in a male establishment.

The high levels of need of children in custody are well known. Rates of ADHD, identified learning disabilities, dyslexia, speech, language and communication needs (SLCN) are far higher than in the general population. This can lead to difficulties in listening, processing instructions and to understanding age-appropriate vocabulary, with children appearing rude or uninterested as they find educational contexts difficult to follow. We do not know how many children in prison have had a traumatic brain injury which effects could include fatigue and cognitive problems which may result in children being seen as lacking initiative or being lazy, lacking inhibition (especially around inappropriate behaviours), or difficulty following rules.

Most children in prison have experienced significant levels of trauma both prior to and since coming into contact with the criminal justice system. Children with experience of trauma are particularly vulnerable and in need of appropriate and trauma-informed support to heal. Children who have been

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<sup>3</sup> The policies trying to ensure that children who have fought or threatened violence are separated

involved in gangs and street violence, for instance, are likely to be severely traumatised.<sup>4</sup> Many organisations have called for all prison and probation staff to be trained in trauma-informed approaches, with more in-depth and a 'specialist approach' for those staff working specifically with children. This must include education staff as trauma often significantly impacts on their ability to learn, as traumatised learners are likely to be more 'focused on immediate survival rather than on learning and cooperation', operating within a state of hypervigilance characterised by 'fight, flight, freeze' responses to perceived threats.<sup>5</sup>

Disproportionality in the children's estate is increasing. More than half of all children in custody (52%) are from a black, Asian or minority ethnic background. The drop in youth custody has not been as significant for minority ethnic children - five years ago they accounted for a quarter of the population. More than one in ten children (13%) in secure training centres said they were Gypsy, Romany or Traveller—over a hundred times greater than the estimated proportion in the general population. A further 8% of children in young offender institutions (YOIs) also identified as Gypsy, Romany or Traveller. While the number of children in youth custody has fallen over the last ten years, the average custodial sentence length given to children increased by more than seven months over the same period (from 11.3 to 18.6 months). There are more children entering prisons with long and life sentences. Between 2011 and 2019, 231 children received life sentences, including ten aged between 10 and 14. Support for children serving increasingly long sentences, and to begin to make sense of them, is lacking. Children in these situations need therapeutic input, as well as adequate Advice and Guidance, and sequencing of activities, courses and qualifications.

Coincidentally, the contract covering the four state run prisons and the education contract at HMP Parc are currently up for tender. This recommissioning presents opportunities for a national framework and coordination. The education contracts currently running in adult state managed prisons (the Prison Education Framework (PEF)) have been universally criticised. Despite this, the YCS are implementing similar contracts in the youth estate. There is no evidence that the lessons learnt from commissioning adult education are being used in the current commissioning process for education in children's prisons. Despite the children's prison estate being small, it remains fragmented. We are concerned that there is no mechanism to share good practice or to coordinate provision.

While Ofsted and HMIP inspect prisons and STCs annually, it remains difficult to get detailed information about the effectiveness of education for children held there. There is no published data on the education and attainment level of children on entry to custody and nothing on progression and achievements while inside. This lack of accountability about educational progress would not be acceptable for children in any other context. We would like to see this data collated and published and also monitored by ethnic background and neurodiverse conditions. It is also important to have meaningful targets in education. Technically, education contracts are supposed to provide 15 hours of education per week. In the four publicly run YOIs this has not always been achieved or achievable. While it is important to have clear ways of monitoring outcomes for children, the targets must be realistic and enforceable.

We do have data from the surveys carried out by HMIP during joint Ofsted/HMIP inspections. In these, less than half (49%) of children reported that they had learned something that would help them on release. However, a significantly lower proportion of children held in YOIs reported this compared to children in STCs (46% compared to 65%). In addition, just over half (52%) of children said that staff were supporting them to achieve their objectives and targets. Children from black and minority ethnic backgrounds were significantly less likely than white children to report that staff were supportive (40% compared to 65%).

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<sup>4</sup> Robinson, G. 2018. 'Young gang members also at risk of developing post-traumatic stress disorder'. The Conversation, 15 January. <https://theconversation.com/young-gang-members-also-at-risk-of-developing-post-traumatic-stress-disorder-90068>

<sup>5</sup> Wartenweiler, T. 2017 'Trauma-informed adult education: An interpretative phenomenological analysis. The Online Journal of New Horizons in Education, 7(2), pp. 96-106 (p. 97).

The transfer of children to young adult establishments or adult prisons needs to be properly managed. In situations where they turn 18, but will be released within the next 9 months, there should be the option to stay in the YCS. When they have imminent exams or assessments due, they should be facilitated. On transfer, their individual learning plan needs to be transferred with them to avoid repetition of courses and to encourage progression. For children leaving custody resettlement outcomes relating to education are generally extremely poor. HMI Probation report that three months post release over half (57%) of children are not yet in education. Unsurprisingly one fifth of these had already been in trouble with the law again.

### **Medway Secure School**

Many of the plans for the secure school are still unclear. It is not yet known whether girls and boys will be held and from what age. We do not believe that the site in Medway – currently holding male adults – is the right location or the right environment. The majority of children that will be held there are likely to be from London, and a purpose-built site in London would be preferable. The building is larger than the optimum for a secure school (up to 35) and even if the population is initially small, population pressures are likely to mean this increases. Medway looks and feels like a prison, and it will be almost impossible to create a therapeutic, holistic or education environment focused on welfare in this site.

Moving the secure school to London would also create opportunities for specialist services and to recruit new staff. Medway will be recruiting from the same staffing pool as YOI Cookham Wood. The November 2021 HMIP report on Cookham Wood highlights staff shortages, low morale among staff, low standards, low expectations and a lack of energy and creativity that could engage and motivate children to use their time at Cookham Wood usefully, despite holding only half the young people it was resourced to hold. Although the population has reduced by 40% (for Covid reasons) the rates of assault had increased by 70%. There had been 29 admissions to hospital in a year. It is difficult to know how children can develop emotionally or progress educationally with such levels of violence around. Both Cookham Wood, and Medway have troubled histories that influence their culture. We are not convinced that the Secure School model being developed for Medway will lead to positive outcomes for children. If the government is committed to making a success of secure schools, these should not be prison like and should be purpose built and designed.

### **Conclusion and recommendations**

A new approach to education in youth custody within establishments that are safe and supportive is needed as a matter of urgency, as part of a practical, adequately resourced national strategy for the youth custodial estate. Time and time again, children's needs are overlooked because of the pressures facing the adult system and inadequate resourcing and planning in the Youth Custody Estate. Trauma informed teaching, and embedded learning, outside traditional classroom settings, should be the norm rather than the exception across the secure estate. The use of digital technology, sports and the arts should be a key part of this approach, providing 'hooks' for learning. Progression and achievement data for education should be regularly published. The Ministry of Justice should develop policies to ensure that the best people are recruited to work in centres holding children. This includes improving recruitment practices, pay and conditions and ensuring that training for all staff working with children is psychologically and therapeutically informed.

Learning must be relevant, and the curricula should include racially and culturally responsive material. Education opportunities must be tailored to the needs of each learner, with specific attention given to ensure continuous progression for children with longer sentences. Custodial establishments for children should be child focused, using participatory methods where young people's voices are listened to, valued and acted upon. Initiatives that involve families to a greater extent in learning should also be a priority. Release and transfers to the adult estate need to be properly planned, to ensure that educational progression continues. Outcome data for education/training or employment secured on release from custody should be routinely published.