A New Vision for the Education of Young People in Custody
POLICY BRIEF

Tracy Irwin[a] and John McCord[b], University of Ulster

Rights of Young People in Custody to Education

Education is a fundamental right of all young people regardless of status or location. The educational rights of young people in custody are enshrined in a range of international instruments which provide detailed regulatory frameworks of minimum standards, principles and provisions which should be met by places of detention (Convery *et al.,* 2008). Such standards mean that institutions should have in place an appropriate system to secure a placement for the young person according to their immediate educational, developmental and safety needs as well as rehabilitative and vocational options that will prepare them for release.[i] Crucially, this includes education that is suited to their needs and abilities, including the right of children with learning difficulties to have their special educational needs met.[ii] Standards provide that programmes should be meaningful,[iii] provided by qualified teachers and integrated with mainstream education[iv] and information and reports on educational needs should be provided.[v] Despite this, McCord and Irwin (2012) highlight that the provision of education remains problematic as educational opportunities can be limited and some basic rights to education are not being realised and falling below international standards.

The Profile of Young People in Custody

Research evidence reveals that social exclusion and marginalisation, through a range of social, economic and political contexts, are recurrent issues for young people in conflict with the law. A large proportion of young people in custody come from structurally deprived and impoverished communities (Jacobson *et al.,* 2010). From an educational perspective, a number of attendant characteristics are evident of the custody cohort:

- Pervasive behavioural and mental health problems (McAloney *et al*., 2009) ;
- Drug or alcohol problems or addictions (Convery *et al*., 2008) and involvement in violence and anti-social behaviour (Harland, 2010; Chapman and O'Mahony, 2007);
- Underachievement, low levels of numeracy and literacy and poor educational outcomes (Talbot, 2010; Palmer *et al*., 2007) which are associated with delinquency and offending;
- Truancy, disaffection and exclusion (Moore and Convery 2009; McCrystal *et al*., 2007);
- Special educational needs (ECOTEC, 2011; YJB, 2003);
- Significantly more likely to be unqualified compared with those who have no contact with the criminal justice system (Hurry *et al.,* 2010; Machin, 2010);
- Constitute a significant proportion of the cohort of young people not in education, employment or training (DEL, 2011; YJB, 2006).

Consequently, research suggests that young people in custody have an interrupted education history, poor attainment, disaffection from mainstream learning and are early school leavers which can have significant ramifications for custodial experiences of learning. Recent figures from the Youth Justice Agency also provide a demographic insight into the population of young people in custody (**see Appendix 1**). Provisional figures of total admissions between 2008 and 2012 highlight some general trends[1] (Figure 1, below):

- The overwhelming majority of those in custody are aged 15 and above;
- Over four-fifths of total admissions are male;
- Approximately one third in custody are subject to a care order;
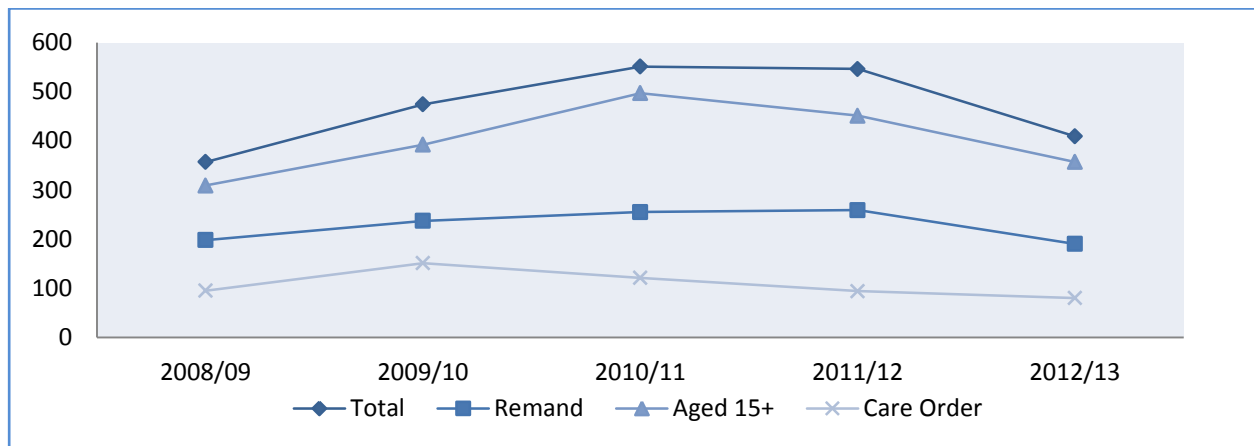- Half of total admissions comprise of young people on remand.

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[1] Year on year comparisons should be treated with caution due to improved recording and changes in LAC categories

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Figure 1: Total admissions by selected demographic information

These general trends clearly have important implications for the design, content and delivery of education within a custodial environment, including what pedagogical approaches should be adopted and the nature of educational, training and vocational offered.

Current Challenges of Education in Custody

It is widely accepted that education and training are vital ingredients for rehabilitation (Machin *et al.,* 2010) and reducing recidivism (Schuller, 2009). Although recent inspection and monitoring reports of places of detention have observed education as good and improving, difficulties remain; specifically the need improve approaches to teaching, facilities, and educational provision for young people incarcerated with adults (CJINI 2011a, 2011b; PRT, 2011). Evidence also indicates that there are insufficient vocational training opportunities and consultation with young people has highlighted the lack of variety in vocational training and poor attendance (Include Youth, 2011; CJINI, 2011b). Therefore, evidence suggests there to be a number of challenges which confront educators of young people in custody:

- **High Remand** and fluctuating population make it difficult to manage and plan and operationalize education provision;
- **Inadequate and underused facilities** such as ICT and technology inhibit active learning;
- **Lack of vocational opportunities and training** for young people;
- **Lack of attendance** of young people with education, particularly those who are not of compulsory school age.

These difficulties are exacerbated by a number of logistical, research and data related issues (McCord and Irwin, 2012) such as:

- **Poor transmission of information** on entry and exit from custody inhibit planning and communication of educational gains to outside agencies and institutions;
- **Inefficiencies in coordination and collaboration** with external agencies, employers and education providers;
- **Lack of data** on young people in custody including longitudinal data;
- **Lack of research** on educational experiences and outcomes in custody and post-release.

The highlighted problems can lead to a number of tensions between rights and education reality. Indeed, young people in custody are often disaffected with traditional learning and subjects and have withdrawn from mainstream education. Therefore, there is a need to find the correct

balance been educational rights and learning strategies which are suited to individual ability, interests and encourage reengagement through alternative pedagogy, particularly given the increase in age profile indicates many to be outside compulsory school age (See **Appendix 1**).

Modalities of Education in Custody

For education provision to be successful, school attendance, meaningful engagement with learning, training and employment prospects are essential (PRT, 2011). However, young people in custody are not homogenous and differ in motivation, personality, and emotional and cognitive abilities. These characteristics can influence the responsiveness to educational modalities (Bonta and Wormith, 2007), particularly if they are not socialised into the classroom, not ready to commit to formal learning and their previous experiences of compulsory education are negative (Hurry *et al.,* 2010). Evidence on reoffending and post release outcomes suggests that 'traditional' formal approaches to learning may be inadequate, ineffective and hierarchic and there is a need for more realistic and participatory methods to engage and integrate disaffected young people with education and training to improve employment and educational prospects. Indeed, disaffected students often find traditional classroom activities 'boring', and overly focused on writing tasks rather than more interactive forms of learning. Other learning barriers include a lack of confidence, poor autonomy, low levels of self-esteem and dis-engagement with formal approaches to the curriculum (NCCA, 2007). Issues relating to teaching practice and innovation have been noted by inspection reports indicating that a more fruitful approach needs to take account of the relationship between effective teaching strategies and learners' academic attainment. For example, literacy and numeracy is often taught in a 'decontextualised' way that fails to connect with interests (Irwin, 2008) and gives young people "few opportunities to demonstrate their knowledge and skills in new situations" (CJINI, 2011a, p. 36). McCord and Irwin (2012) conclude that difficulties remain in delivering effective and suitable education and training for young people in the custodial setting and that teaching methods should be more innovative and creative delivered thorough informal and non-formal approaches.

Figure 2 Types of Learning

The largest overlap is between Informal and Non-Formal learning strategies.
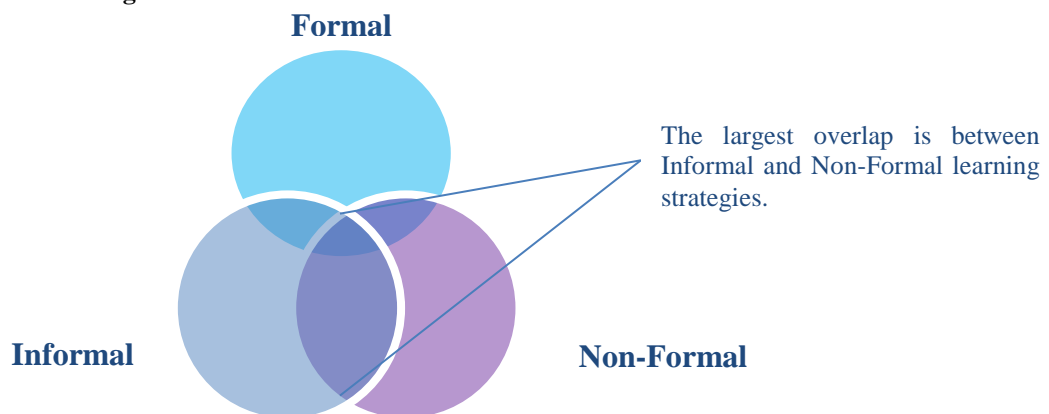
Informal and non-formal learning approaches are valid and underused options that, if harnessed well by custodial staff, can lead to more successful outcomes. Irwin (2008) outlines how it is necessary to engage in inconsequential informal interactions with learners and research suggests that informal and non-formal learning permeates the life-world and can be unconscious forms of learning which young people choose to pursue (Field, 2000, p.44). Therefore, the identification of informal and non-formal learning patterns and personal interests should be used to re-orientate learners towards the more formal provision offered (Figure 2, above). In this context, young people in custody visit the gym, play games, read books and magazines and discuss issues with

their peers and engage in creative pursuits.   This indicates that the curriculum needs to extend beyond subject options to include personal and health education and routes which enhance self-esteem, working with others and promote 'soft skills' and employment opportunities. Learning also needs to be linked to other activities as part of a holistic approach to rehabilitation instead of being treated as a separate, discrete activity. Furthermore, approaches to learning also need to be tailored to and blended with available training and vocational opportunities to encourage symmetry between theoretical and practical learning. Research indicates the success of such a contextualised approach which embeds essential skills within the occupational context (Barton and Papen, 2005; Irwin, 2008). Therefore, new and innovative ways to deliver the curriculum to engage these young people could be introduced with 'taster sessions' set up to allow young people to try particular topics and activities before committing to a formal programme (Irwin, 2003). Research also highlights the crucial role of 'special people' (Pike, 2008, p.1) or 'significant adults' (NICCY, 2012) can shape the individual and collective culture of learning and skills needed to re-engage with education. This means that specialist training for teachers working in this setting needs to be consolidated (Irwin, 2008) and consideration of extending this training for appropriate custodial staff and other identified 'mentors' should be considered (CJINI, 2011a). However, building capacity will be diluted if long standing issues such as remand, inadequate facilities, information sharing and coordination are not addressed.

Exploring New Approaches to delivering education in custody

Pedagogy is a key area of importance in custodial teaching. If young people are to reach their potential it is crucial not to replicate the failures of their compulsory schooling. Accordingly, there is a clear need for more effective and realistic methods to embrace and integrate disaffected young people with learning and alternative pedagogies offer a range of underused options that can be harnessed to re-engage young people. Strategies can include re-designed classroom layouts (Hodges, 2007), 'outdoor learning experiences' (Riley *et al.,* 2006), sport and physical activity (Sandford *et al.,* 2008) and e-learning (Levy, 2004).

Technology offers an unprecedented opportunity to reconceptualise and radicalise learning in custodial environments (Irwin and Pike, 2012). Interactive whiteboards and Web2 technologies can be used to facilitate modes of learning practices (Becta, 2009) and peer assisted learning (Dillon, 2004). Internet enabled learning is 'a huge opportunity' (Levy, 2004, p.4) for custodial learning and should be fully embedded. Technology in the form of e-learning traverses distances, organisations and social structures (Weller, 2007) and can provide learners with the opportunity to engage fully in an online learning community. Applications such as virtual fieldtrips also provide innovative opportunities for virtual study (Turney *et al.,* 2009). Well-designed pedagogical programmes which fully integrate active teaching and learning allow the development of higher cognitive skills such as articulating, and debating issues and ideas which offer valuable personal as well as academic skills (Salmon, 1998). A wider range of information sources can also be facilitated through networked access including electronic journals, libraries and other rich web-based texts available to online students, enriching their experiences. The use of online assessments also offers an opportunity for early diagnosis of individual learning needs and learning styles. Similarly, an e-portfolio system for the transfer of records including educational achievement has been supported by government (House of Commons, 2005) and recommended by the inspectorate in Northern Ireland (CJINI, 2011). The concept has the potential to be extended to become a receptacle for achievements and accreditation, and used to travel 'between education and employment, including vocational pathways and work-based learning' (Hartnell-Young *et al.,* 2006, p. 860). There are many examples of working models of innovative e-Portfolio projects across educational sectors and geographic regions which could be replicated in a custodial setting

(Florea, 2008; Heinrich *et al.,* 2007; Hartnell-Young *et al.,* 2006) However, the use of ICT facilities and technology remains critically lacking in Northern Ireland (CJINI, 2011a; 2011b).

General Messages

- This briefing provides the basis to debate and inform policy makers on the nature of education provision for young people in custody.
- Although there has been progress and evidence of good practice, the development and use of innovative pedagogical approaches are essential to realise the educational needs and rights of young people in custody.
- The demographic profile of young people in custody highlights the need to reconceptualise the approach to education design and delivery.
- Identification of informal and non-formal learning patterns and personal interests offer an unprecedented opportunity to improve practice and integrate active learning in custodial environments to re-orientate learners and enhance attainment and employment prospects.
- The critical lack of facilities and vocational opportunities continue to constrain the delivery of appropriate modes of learning and training.
- There are deficits in training for staff on alternative pedagogy, rehabilitative needs and child rights.
- The ineffective transmission and continuity of key education information or portfolio about educational gains at entry and exit points impedes effective planning and learning.
- There is a need for better collaboration with external agencies to facilitate and support employment based learning, vocational opportunities and training.
- Significant difficulties remain with evidence on education in custody. There is little systematic evidence on academic or vocational progression and outcomes and data is underdeveloped.

Some Suggested Reading

- Irwin, T. (2003) 'Prison Education in Northern Ireland: Learning from our paramilitary past.' *The Howard Journal*, 42(5), pp. 471-484.
- Irwin, T. (2008) 'The Inside Story, Practitioner Perspectives on Teaching in Prison.' *The Howard Journal*, 47(5), pp. 512-528.
- McCord, J. and Irwin T., with Martynowicz, A. (2012) *Reviewing the Provision of Education for Young People in Detention: Rights, Research and Reflections on Policy and Practice.* Coleraine: University of Ulster.
- Moore, L. and Convery, U. (2008) 'Barred from Change: The Incarceration of Children and Young People in Northern Ireland.' *Current Issues in Criminal Justice*, 20(1), pp. 79-94
- Moore, L. (2011) 'The CRC comes of age: assessing progress in meeting the rights of children in custody in Northern Ireland.' *Northern Ireland Legal Quarterly*, 62(2), p. 217-234.

Endnotes

[i] Rule 61, European Rules (2008); Rules 38-42; 47 Havana Rules (1990).

[ii] Rule 38, United Nations Rules for the protection of Juveniles deprived of their Liberty, 1990 (United Nations Rules); Para 21(a)-(c) Council of Europe Child Friendly Justice Guidelines (2010).

[iii] Rule 12 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (Havana Rules) and Rule 26 United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985 (the Beijing Rules).

[iv] Rule 38, Havana Rules (1990).

[v] Section E.10 European Rules (2008).

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Note on the authors

a. Dr Tracy Irwin is a Lecturer in the School of Education, University of Ulster

b. Dr John McCord is a Research Associate in the School of the Built Environment, University of Ulster.

Appendix 1

Table1 Total Admissions by demographic information between 2008/09 to December 2013*

	2008/09	2009/10	% Change	2010/11	% Change	2011/12	% Change	2012/13	% Change
Total Admissions	357	474	32.8%	551	17.0%	546	-0.9%	409	-25.1%
Male	303	421	38.9%	472	12.1%	476	0.8%	370	-22.3%
Female	54	53	-1.9%	79	49.1%	70	-11.4%	39	-44.3%
PACE	120	200	66.7%	256	28.0%	234	-8.6%	169	-27.8%
Remand	198	237	19.7%	255	7.6%	259	1.6%	190	-26.6%
Sentence**	39	37	-5.1%	40	8.1%	53	32.5%	50	-5.7%
Aged 15	100	140	40.0%	130	-7.1%	86	-33.8%	86	0.0%
Aged 16	180	182	1.1%	229	25.8%	185	-19.2%	75	-59.5%
Aged 17+	29	70	141.4%	138	97.1%	180	30.4%	196	8.9%
Care Order	95	151	58.9%	121	19.9%	94	-22.3%	80	14.9%
Not Care	259	302	16.6%	341	12.9%	369	8.2%	269	27.1%

*Figures are extracted from the Youth Justice Agency Provisional Workload Statistics and are provisional.
**Data includes fine default cases.

Table 2 Percentage Change 2008/09 and December 2012 by Total Admissions demographic information*

	2008/09	2012/13	Overall % Change
Total Admissions	357	409	14.6%
Male	303	370	22.1%
Female	54	39	-27.8%
PACE	120	169	40.8%
Remand	198	190	-4.0%
Sentence**	39	50	28.2%
Aged 15	100	86	-14.0%
Aged 16	180	75	-58.3%
Aged 17+	29	196	575.9%
Care Order	95	80	-15.8%
Not Care	259	269	3.9%

*Figures are extracted from the Youth Justice Agency Provisional Workload Statistics and are provisional.
**Data includes fine default cases.
NB. Year on Year comparisons should be treated with caution due to data recording and changes in LAC categories