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1. INTRODUCTION

1.1 Background

This report presents the findings of the Scottish Government’s Workstream on Young Offender Learning and Skills. This is one of three independently chaired workstreams established by the government following a commitment made in Skills for Scotland, the national skills strategy.

That commitment was to “identify how best to deliver effective integrated learning, skills and employability provision for young people and adults who are in or leaving the justice system with a view to producing an effective learning and skills strategy.”

For the purposes of this work, our focus has been on young people aged 16-18 who have been involved in the Scottish justice system. We have also been interested in those people deemed to be at risk of offending. Consequently, we have considered a broad spectrum of young people.

The focus on the 16-18 age range is designed to provide a good fit with the Education and Skills faultline, and in particular the statutory school leaving age which is acknowledged as a key transition point.

The workstream has been independently chaired and has drawn upon the knowledge and experience of a wide range of experts in this field. Details of the workstream membership are attached as Appendix 1. We are grateful to all of those who have given up time to contribute to the workstream process.

Finally, we would like to particularly thank the many young people who have contributed to this study and given us their insights. In particular, we are grateful to the 4 young people who agreed to share their stories through our case studies.

1.2 Why this matters

Young people are our future. Nurturing them and supporting them to reach their full potential is in the interest of us all.

However, the transitional period of adolescence is difficult for many young people. It is a point where boundaries are pushed and risks taken as part of preparing for independent adulthood. This is healthy and appropriate. However, it can lead some young people towards offending behaviours, where the risks can be harmful and can bring long term negative consequences.

A high proportion of young people who offend aged 16-18 in Scotland are from our most vulnerable homes and communities. Prior to attending the Children’s Panel or Court hearing, the majority have already been identified at a younger stage as requiring care and support.

Successfully intervening to deter them from further trouble is in line with several of the Government’s stated outcomes:

1 Scottish Government: Skills for Scotland (2007)
2 The Scottish Criminal Justice system considers young offenders to be aged between 18 and 21
3 Appendix 2 sets out the study process and Appendix 3 provides details of the consultees
Our children have the best start in life and are ready to succeed

We have improved the life chances for children, young people and families at risk

Our young people are successful learners, confident individuals, effective contributors and responsible citizens

We live our lives safe from crime, disorder and danger

The evidence presented in this report confirms that engaging in learning promotes desistence amongst younger offenders and encourages the prospect of a successful transition to adulthood.

It is therefore important that we raise the number of all young people participating in learning and ensure that a rising proportion move into positive and sustained destinations.

1.3 Who needs to read this report?

This report is relevant to young people in Scotland and everyone working with them. It is pertinent at both national and local levels, and cuts across a wide range of policy areas.

Within the Scottish Government, civil servants in a range of departments will find it useful, including Education, Justice, Health and Lifelong Learning. At the national level it will also be important for decision makers in Skills Development Scotland (SDS), The Scottish Prison Service (SPS), Jobcentre Plus and NHS Scotland.

Due to their pivotal role linking the national and local spheres the report will also be relevant to COSLA staff covering a wide range of responsibilities. It will also be of interest to local authorities and all organisations involved in the More Choices More Chances (MCMC) partnerships. In particular it will be of value to professionals working in employability, justice, education and care settings.

Throughout this report we underline the importance of the voluntary and community sector (VCS) in supporting vulnerable young people. As well as people working in this sector, service commissioners who purchase services from these organisations should also read it.

1.4 What does success look like?

The final section of the report describes what success looks like for this agenda. It presented 9 points which form the basis of our Action Plan, which is attached in the appendices.

The key features of success would be:

- More young people actively engaging as learners with appropriate support – particularly those from deprived backgrounds and from high risk groups such as looked after children
- Fewer young people out of school and at risk of offending
1.4 What needs to change?

In the short term, we must work more effectively to promote the value and relevance of learning and skills to young people involved in the justice system. Currently, too many are switched off by their school experience and there is a major Information Advice and Guidance (IAG) job required to sell the benefits of learning and skills development.

There is also a need to provide a more flexible and supportive offer where the starting point is the young person and their support needs. There are several examples of good practice already in place – mentioned in this report – but provision is not universal, even for those in custody. This needs to change and a number of recent established drivers are helpful – including the concept of ‘entitlement’ within Curriculum for Excellence and the development of 16+ Learning Choices.

Given the numbers of young people cited in the workstream report this short term work is vital and it must start now.

At the same time, there needs to be a continued focus on more effective upstream prevention targeted at those most at risk, including young people who are looked after as well as the children of prisoners. Targeted early intervention with vulnerable families is one of the keys to success in the longer term and again we identify examples of this which are already in place. Another is retaining more young people in mainstream secondary education. This study suggests that a high proportion of young offenders are excluded from the education system – either by schools or as truants - by the age of 14. Making the curriculum relevant and attractive, with the right supports in place, is at the centre of this change agenda, which is entirely consistent with the principles of CfE.

As the Scottish Prisons Commission noted, Scotland locks up a disproportionately high number of young people aged 16 to 18. Apart from the financial costs, the social and economic consequences for these individuals, their families and communities is enormous. This needs to change, and learning and skills acquisition has a central role to play in this transformation process.

1.5 Language and terminology

Throughout this process we have expressed discomfort with the term ‘young offender’. This labelling is unhelpful as it is negative and implies that those young people with experience of the justice system will struggle to move on. As we show in this report, many make great progress and we hope that this work will help even more to do so in future.

Our approach has been to discuss the characteristics of the ‘young offender’ group in section 2 of this report. After this point we tend to refer to ‘young men’ ‘young women’ and ‘young people’ although we would stress that the UN Convention on the rights of the Child assert that anyone under the age of 18 is considered to be a child.

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4 It costs £32,358 to keep someone in prison for one year and £234,000 to keep a young person in secure unit accommodation (SPS and SOFI figures)
2. YOUNG PEOPLE AGED 16-18 AND THE JUSTICE SYSTEM

2.1: Introduction

Young people are Scotland’s biggest asset. It is in all of our interests to ensure that they have the encouragement and support to make a successful transition to adulthood. That is why giving our young people the best start in life is one of the Government’s top priorities.

Investing in their future is investing in everyone’s future. That means ensuring that those who are most at risk of not making a positive transition to adult life are identified and supported effectively. We know that young people in the justice system are amongst those with the highest barriers and the focus of this Workstream has been to identify ways of supporting their learning and skills development more effectively.

The purpose of this section is to provide a contextual framework for the overall report. Our starting point is to try and gain an understanding of who these young people are. This section draws upon existing data to produce a profile of the 16-18 year old group in contact with the justice system, and addresses some of the basic questions our Workstream generated at the outset of this work, including:

- How many young people are we talking about?
- What is their demographic profile and geographic spread?
- What do we know about their educational experience prior to age 16?
- What are their post-school outcomes?
- What are their identified support needs?

The second part of the section considers the policy environment in which this work sits. It recognises that improving the learning and skills of these young people cannot be achieved by one part of Government alone and cites a number of key strategic documents that relate to this work.

The third and final part of the section sets out to briefly explain how young people aged 16-18 engage with the justice system in Scotland. Although the justice system is not our main focus, an understanding of its basic operation has been useful for our team to establish. We believe that it will also be of use to many readers of this report.

2.2: Our starting point: What we know about young people and the justice system

At the start of this process the workstream identified a number of questions. Perhaps naively, we believed that these would be straightforward to answer. For two reasons in particular this was not the case.

Firstly, the questions cut across a variety of policy domains (principally Justice, Education, Employability and Care). Consequently, the information was held on different systems and gathered in different ways, over different time periods. In

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Throughout this report when we refer to the ‘Justice’ system we mean both youth and adult systems, unless we specifically refer to one or the other.
some cases, what we would consider to be key information is not gathered at all, and we discuss examples of this further within the section.

Secondly, the selected age range (16-18) is not a comfortable fit with any of the data sources. This was most notable in relation to Justice and Education. Within Justice, ‘Young Offenders’ are defined as those aged 16-21. With some exceptions, those aged 16+ are dealt with in the adult justice system, although this is currently under review, as we discuss below. As a consequence, data gathered for Justice purposes is for 16-21s and we are grateful to support from Scottish Government’s Justice Analytical Services for helping identify the data we need. With regard to education, young people who offend – or who are at risk of offending – are not always identified within the systems. Changes led by the Government’s More Choices More Chances team will improve tracking for 16-19s once in place. In the meantime, we have had to rely on SDS to assess post-school destinations. Again we are grateful for their support in this work.

Our conclusions relating to the evidence base are set out in the final section of the report.

**How many young people are we talking about?**

Using the most recent data from the Children’s Hearing System and the Criminal Justice system we can provide a snapshot of young people aged 16-18 in Scotland who are offending.

The Children’s Hearing System primarily covers the ages 1-15. However in 2006/07 there were 1,030 16 year olds and 166 people aged 17 in the system – a total of 1,196 young people.

The table below shows the number of 16-18 year olds going through the adult justice system for the same year.

| Table 1: Number of 16-18s proceeded against in Scottish Court by disposal 2006/07 |
|-----------------------------------------------|-----|
| Acquitted                                      | 2,187 |
| Fine                                           | 7,621 |
| Caution or admonition                          | 2,419 |
| YOI                                            | 1,969 |
| Probation                                      | 1,900 |
| Community service order                        | 981  |
| Restriction of liberty order                   | 393  |
| Compensation order                             | 381  |
| Absolute discharge                             | 228  |
| Drug treatment and testing order               | 11   |
| Supervised attendance order                    | 40   |
| Community Reparation Order                     | 10   |
| Prison                                         | 1    |
| **Total**                                      | **18,141** |

Source: Scottish Government

Table 1 shows the number processed through the system, not individuals. There is no record of individual numbers, however Government data shows that

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6 There is a small element of double counting in these figures. Where a young person is referred by the Panel at age 16 and has a birthday before being referred again in the same year s/he will be entered twice
between these ages each offender commits an average 2.5 offences so applying this to those convicted we reach a figure of 6,382.

Adding the Hearings and Adult figures together we estimate that in 2006/07 our target group consisted of 7,578 individuals across Scotland.

Table 1 also shows that a small minority of proceedings (12%) result in a custodial sentence with most sentences applied in the community⁷. This reflects the wide spectrum of offending behaviours and highlights that a large proportion are relatively minor.

Offending patterns, particularly for males, are closely age related and 18 is the peak age for offending in Scotland. Figure 1, illustrating the offending rate per 10,000 population, shows this clearly. The reasons for offending behaviour are complex, but maturity and factors linked to ‘settling down’ (i.e. employment and relationships) have been identified as key factors in desistence amongst males. The figure also shows that the proportionate decline in the offending rate is much more dramatic for men, halving between the ages of 18 and 30.

![Graph showing offending rates per 10,000 population by age and gender.](image)

**Source**: Scottish Government (2007/08 dataset)

**What about demographic profile and geographical spread?**

The 2006/07 data for all young offenders (i.e. those under 21) shows that 19% of the offender group was female. The latest Children’s Hearing information shows that 25% of those referred for offending behaviour were females. For those in custody the gender gap is more significant. Of the 476 inmates aged 16-18 on 26th March 2008 only 20 were female. However, women who are in prison tend to have multiple and complex support needs which are distinctive and which are considered later in the report.

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⁷ This proportion is likely to reduce further, due to changes within the justice system described later in this section.
Analysis of the same dataset shows that the proportion of this offending age group from Black and Minority Ethnic (BME) backgrounds is small. Analysis of the prison reception data for 2007/08 shows that of 4,279 receptions 66 were from BME communities.

In terms of geography, the most recent available data shows that the five local authorities with the highest number of 16-18s in the justice system are:

- Glasgow (2,200)
- Edinburgh (1,411)
- South Lanarkshire (1,145)
- Fife (1,056)
- East Ayrshire (909)

A table showing the full range of offending rates amongst 16-18s by local authority is attached as Appendix 4.

**Where are they in their final years of education?**

There is no reliable comprehensive record of these young people’s educational participation in the senior stage of the curriculum. This is a gap which needs to be addressed as a matter of priority.

Evidence from our fieldwork, presented later in the report, indicates that many of them have disengaged from the education system from the early years of secondary school. Although they may still be on a school roll, in many cases they are out of the mainstream system and often out of education altogether. As we discuss in Section 3, their learning is frequently interrupted and fragmented, which weakens their future prospects.

A number of local authorities, including Glasgow City Council, have placed growing emphasis on the need to identify ‘missing children’ within the education system and it is hoped that such steps can improve our future understanding of this issue, leading to lower levels of exclusion and disengagement.

In the meantime, limited evidence presented by a number of organisations as part of this work underlines the low levels of engagement and participation in education amongst these young people. For example, a review of Includem’s current Glasgow client group – aged under 16 – provided the following snapshot:
A key finding of this work\textsuperscript{8} – widely supported by previous studies – is that non-participation in early secondary school (whether through exclusion or truanting) is a principal indicator of young people’s risk of offending.

**How many leave school and progress to a positive destination?**

Making and sustaining positive post school destinations is one of the Government’s key performance indicators. In 2007/08 86.5% of school leavers progressed to a positive destination. There is no comprehensive record of the outcomes for all those involved in the justice system, and this should be addressed in future. However, data from the SDS Insight database provides the most useful snapshot relating to this.

All SDS keyworked clients are recorded on Insight which holds details of 466 2007/08 school leavers with an offending background. The school leaver destination survey (SLDS) shows that only 41.2% of these youngsters progressed to a positive destination – less than half the national average. This is a key finding from our Workstream activity. It indicates the scale of the challenge required to address the Government’s commitments for these young people.

Figure 3 below shows the range of destinations for these young people:

\textsuperscript{8} Discussed fully in Section 3
There are marked differences in each of the outcome fields but particularly in relation to:

- Higher Education
- Employment
- Unemployment (seeking and not seeking)
- Training

A higher proportion than average entered training. This is a positive indicator and suggests that vocationally focused support is more attractive, or more accessible. However, without further details of the type of training and the outcome we cannot be sure. A high proportion of these young people go into Get Ready for Work (discussed in section 5) and, once available, further SDS analysis of destination data will provide information on their retention and progression rates.

**What learning support needs do these young people have?**

There is abundant evidence showing that many of these young people come from family backgrounds characterised by high levels of social deprivation\(^9\). They share many of the learning support needs of other vulnerable young people – regardless of their contact with the Justice system. Consistent messages from this Workstream’s activity are that the key support needs include low levels of confidence/self-esteem and literacy/numeracy difficulties. We have also heard repeated instances of young people with other learning difficulties – such as dyslexia – which have gone undiagnosed throughout their education.

Further analysis of the SDS clients who were ‘Unemployed and not seeking’ shows that the following additional barriers to progress were most commonly cited:

- Identified emotional or behavioural problems
- Not yet ready to enter Education, Employment or Training
- Chosen not to enter Education, Employment or Training

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Required support at some stage for homelessness
Identified alcohol and/or drug problems

At this point it is important to stress that the young people in question are not from Mars! They present with the same support needs as a high proportion of the wider group of youngsters needing more choices and more chances, and these bullet points reflect this. The only distinctive support need which is not on this list is the handling of disclosure. This is a particular support issue for those involved with Justice – particularly for those who undergo a custodial sentence – which we consider further section 6.

Finally, it is important to reiterate that although these young people have support needs it is not always helpful to focus on these. Rather, we can support them more effectively by stressing what they can do and the potential that they show. Successful activity with vulnerable young people frequently adopts this approach and there are examples of individual success stories throughout this report.

2.3: The changing landscape

Our workstream has reported at a time of significant change in Scotland. Improving the outcomes for our most vulnerable young people cuts across many policy areas and, as we have seen, addresses a bundle of Scottish Government national outcomes. In many of these key policy areas – particularly in Education and Justice – major change is under way. In our literature and policy overview (attached as Appendix 5) we consider these developments. However, in this section we summarise the key policy documents by way of context.

We are pleased to see the convergence of key messages within these documents and the fact that they chime with the findings from this work. Amongst these shared points are:

- A focus on early intervention
- An emphasis on meeting need, managing risk and achieving outcomes
- A commitment to identify and support the needs of the most vulnerable from within mainstream services
- The need for clear leadership and accountability
- Recognition of the need for local solutions set within a national framework

The Scottish Government documents central to improving learning and skills for young people involved with the Justice system are:

- Skills for Scotland: the national skills strategy

  The Scottish Government skills strategy promotes equal access to and participation in, skills and learning for everyone, including those faced with disadvantage. It highlights the need to focus attention on young people in special circumstances, including those with learning difficulties and those in the youth justice system.

  Recognising that the transition from school to adulthood is a difficult one, it makes a commitment to provide clear pathways and opportunities for young people to engage and re-engage in learning at various points along the route. Linked to this, it critically identified that all partners and providers, including schools, colleges, community organisations, training providers and prisons should be viewed as part of the same learning system.
Skills for Scotland promises to deliver effective integrated learning, skills and employability provision for all and contained a commitment to establish a representative group to “identify how best to deliver effective integrated learning, skills and employability provision for young people and adults who are in or leaving the justice system with a view to producing an offender learning and skills strategy”\textsuperscript{10}.

- **Curriculum for Excellence**

  Curriculum for Excellence (CfE) provides a framework for ambitious reform designed to improve the learning, attainment and achievement of all children aged 3-18. It provides learners with a curriculum designed to develop four capacities:

  - To be responsible citizens
  - To be effective contributors
  - To be successful learners
  - To be confident individuals

  CfE requires schools to form effective learning partnerships with others – including “colleges, universities, employers, partner agencies, youth work and the voluntary sector to provide a coherent package of learning and support based around the individual learner and in the context of local needs and circumstances.” Guidance on the senior phase of the curriculum stresses the need to offer a flexible personalised curriculum to every learner.

  CfE clearly acknowledges the responsibility held by schools all around pupils’ post-school destinations.

- **More Choices More Chances (MCMC)**

  MCMC focuses on young people aged 16-19 who are not in education, employment or training. It established a series of local partnerships across the country with an emphasis on improved co-ordination and better return on resources. MCMC identified a series of at risk groups including care-leavers, young offenders, persistent truants, low attainers and young parents. At the national level, the MCMC team is working to improve tracking of the 16-19 client group. Recent developments include the launch of 16+ Learning Choices – seeking to offer a learning opportunity to all compulsory education leavers – and the piloting of Activity Agreements, aimed at young people with the highest support needs.

- **Getting it right for every child (GIRFEC)**

  Getting it right for every child (GIRFEC) is a transformational change programme that will result in a shared understanding and common language across all services working with children which puts the child’s well-being at the centre of all activity. It aims to deliver better outcomes for Scotland’s children and young people, helping them fulfil their potential. It supports transformation in priority areas such as the Early Years Framework, Additional Support for Learning and child protection. It targets planning and action to address children’s needs and risks and it streamlines procedures to reduce overlap and repetition of activities. It is based on years of evidence around child development, early intervention

\textsuperscript{10} Scottish Government: Skills for Scotland (2007)
Scottish Ministers, Local Authorities and practitioners and managers in the NHS, Police, 3rd sector (voluntary sector) and other agencies all support the aim to work in a coherent and connected manner to support the needs of the child. Following development and testing in pathfinders and learning partnerships, including developing a common approach to assessment of children’s risks and needs, founded on shared language and leading, where appropriate to a single plan for the child co-ordinated by a lead professional, and working towards electronic information sharing in a secure and consented environment, the programme is now moving towards national implementation.

- The Early Years Framework

Published in January 2009, the Framework confirms the importance of early intervention to break cycles of poverty, inequality and poor outcomes. It seeks to build on the work of CfE and GIRFEC and argues for the need to realign and prioritise existing resources to offer more effective support to the most vulnerable children and their families.

- Looked after children and young people: we can and must do better

This sets out a series of targeted actions to improve outcomes for looked after children and young people. It reinforces the importance of the “corporate parent” and the responsibility of all relevant agencies and individuals to work in partnership to ensure that looked after children and young people have the same opportunities as others to develop their full potential. It highlights the increased likelihood of looked after children becoming offenders and the need to address the factors - including educational disengagement - which will contribute to this. All of the actions in this report are now completed or have moved on into longer term strategies. Work is continuing in key areas to embed positive practices to support better outcomes across the corporate parent partnerships. This work is further supported through These Are Our Bairns a guide for community planning partnerships on how to be a good corporate parent, and HMIe’s self-evaluation guide How Good Is Our Corporate Parenting?

- Preventing Offending by young people: a framework for action

This sets out a “shared direction” for driving forward work to tackle offending by young people. It focuses on five key areas of work: prevention; early and effective intervention; managing high risk; victims and community confidence, and planning and performance improvement. Firmly set within the context of the Economic Strategy and Concordat, it makes the case that tackling offending by young people contributes to all five strategic objectives and many of the national outcome and local indicators within the SOAs.

- Protecting Scotland’s Communities: Fair, Fast and Flexible Justice

This is the Government’s response to the Scottish Prison Commission report, published in December 2008. It takes forward a number of commitments to reducing the flow of young people into the criminal justice system, including the delivery of actions outlined in the Framework for Action, strengthening the sharing of information and joint working across the transition from the Children’s Hearing System into adult services.
and/or the criminal justice system, and ensuring that the needs of young people are met and their risks effectively managed, with a focus on preventing re-offending, whichever system they are in.

2.4: 16-18s and the Justice System in Scotland

Up to the age of fifteen, children who offend in Scotland are generally dealt with through the ‘youth justice’ system. Youth justice very broadly describes the range of practices and procedures for dealing with young people involved in offending – at the heart of which is the Children’s Hearing System. The model for children up to the age of 15 who offend is firmly towards early intervention, with a clear focus on multi-agency action – embedding the principles of GIRFEC in approaches to dealing with young people who offend.

Where there is reasonable cause to believe that compulsory measures of supervision may be necessary, children may be referred to a Children’s Reporter. The Reporter will investigate the case by requesting information from different sources. This is usually social work, the police, school, health and voluntary sector agencies. On the basis of this evidence the Reporter decides whether there is a need for compulsory intervention. If so the child is referred to a Children’s Hearing.

The Children’s Hearing System deals with the care, protection, guidance and control of children. A fundamental principle is that it deals with children requiring care and attention as well as those committing offences. These are often the same children.

The Hearing comprises three panel members who are lay volunteers from the local community. The emphasis is on supporting the child and the culture of the system is very much around rehabilitation. Although the focus is on younger children, those aged 16 and 17 can be referred if they are already subject to a supervision order or if they are remitted by the courts. As we have seen, 1,196 young people aged 16 and 17 went through the system in 2006/07.

A Hearing Panel has three potential conclusions:

- To impose a supervision order
- To refer the child to a secure unit
- To dismiss the case

A supervision order can include a condition which might relate to behaviour, school attendance or treatment for conditions such as drug use.

Further observations on the role of the Hearings system are included in Sections 5 and 7.

Although the cut off point for Youth Justice is usually 16, some local authorities have a commitment to working with young offenders up to the age of 18. In practice however, many youth justice teams are under extreme pressure so there is often an incentive for them to refer on to the adult criminal justice team. However, this is not always in the best interests of the young person, and is usually predicated upon resource constraints.

Further details of the Hearing system can be found at [www.scra.gov.uk](http://www.scra.gov.uk)
Scotland’s Prison Commission identified a weakness in the justice model for younger offenders and noted that “many young people who commit offences face a very abrupt transition from the Hearings System, where the emphasis is on helping them to develop and change, to the adult courts where the emphasis is on punishing them.”

They further noted that Scotland has a relatively high proportion of 16-18s in prison and made a number of recommendations relating to younger offenders. These included re-examining the case for diverting 16 and 17 year olds to specialist youth hearings in order to keep them out of the adult justice system. They also recommended that the Government explore options for detaining 16 and 17 year olds in separate facilities from older offenders. Combined with a central recommendation to replace short sentences with ones which are more community-based, this represents an ambitious change agenda.

In relation to the youth court issue, the Government has decided to reserve judgment pending the outcome of the pilot Youth Courts review in summer 2009. However, the Criminal Justice and Licensing (Scotland) Bill proposes ending the practice of jailing under 16s and commits Government to ‘look carefully’ at how under 18s in prison can be kept apart from older prisoners. Critically, the bill also aims to transform sentencing patterns with prison being reserved for ‘serious offenders who present the greatest threat to public safety.’

Overall, the direction of travel is towards a justice system where an even higher proportion of sentences are community-based. Clearly, this has significant implications – including a number of opportunities – in relation to learning and skills for those aged 16-18.

13 Scottish Government: Protecting Scotland’s Communities (2009)
3. AT HOME AND IN THE COMMUNITY

3.1: Introduction

This section considers young people at home and in the community.

All people are products of their environment. Young people’s offending behaviours are often influenced by factors in their background – including home circumstances, community settings and peer values. In the previous section we noted that a shared principle emerging across all public policy areas is the need for early intervention. The first part of this section continues this theme and underlines the importance of improved early years intervention. Using a public health analogy, prevention is better than cure and more effective work identifying and supporting those at risk of offending behaviour is key to improved learning and skills in later life.

Another policy message set out in Section 2 is the importance of targeting. The review of the evidence base highlights the fact that some young people’s home circumstances make them statistically more likely to engage in offending behaviour. In this section we look specifically at two high risk groups – looked after children and the children of prisoners.

As well as families, offending behaviour patterns are influenced by negative peer pressure. This is a particular factor for those in early teenage years, as we show below. In parts of Scotland where youth offending rates are highest, territoriality has a corrosive effect on many young people’s attitudes towards learning. Recognising the problem of gang culture and addressing it therefore form an important part of a wider learning and skills strategy for young offenders.

The final part of this section examines this and highlights lessons learned from innovative pilot approaches in Glasgow.

3.2: Early Years

Life does not begin at 16. Many of the barriers vulnerable young people face between the ages of 16 and 18 are the result of their experiences at an earlier age. Successfully tackling the disadvantages many of them face as children is one of the keys to supporting them into better outcomes as young adults.

There is conclusive evidence showing the link between the most vulnerable children in society and offending behaviour in adolescence. The fact that these are often the same children underpins Scotland’s unique Children’s Hearing system. The Scottish Children’s Reporter Association (SCRA) found that 62% of persistent young offenders were first referred to the Reporter on care and protection grounds. A quarter of them had been referred before the age of five.

The Edinburgh Study of Youth Transitions and Crime supports these findings. More than half (59%) of those convicted by the age of 19 were previously known to the children’s hearing system. A high proportion came from households with significant social deprivation levels – low household income, workless households and free school meals. The evaluation of the Hamilton Youth Court provides further evidence. Of those before the court, 70% had been to the Reporter and faced high levels of adversity:

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15 McIvor et alia – The Hamilton Sheriff Youth Court Pilot: The first six months (2004)
62% reported having major problems at school (behavioural, truancy and bullying)

41% were unemployed at the time

55% reported alcohol related problems

These cycles of deprivation are therefore well documented. Breaking them requires us to identify those who are at risk and to provide more effective support to the parents and carers of children in vulnerable families.

There is a growing recognition that investing resources to support vulnerable families is a key part of an effective anti-poverty strategy whose many benefits will include lower rates of youth offending. In Glasgow, the Community Health and Care Partnerships (CHCPs) are co-ordinating approaches to this which draw upon the input from all key public services. Relevant examples of this work include the Glasgow Parenting Support Network, key features of which are:

- Culture and Sport Glasgow’s 3 year programme of Triple P group interventions aimed at parents of children aged 3 to 8 years old
- CPD investment in all Health Early Years, Education, Social Work and Voluntary sector staff in the Solihull Approach. This has been proven to help form a more secure attachment between babies and carers
- The implementation of Multi-Systemic Therapy (MST) a family-based structured intervention for adolescents with serious behavioural problems, including offending, violence and school disengagement. The model has been embedded throughout Norway and successfully piloted in other parts of the UK.

These are relatively recent developments but they are accompanied by rigorous evaluation frameworks which will provide a growing evidence base of the value of cross-disciplinary approaches taking a long term view. It is hoped that they mark a shift away from the reactive short termism which has characterised too much of the investment patterns in the past.

The Early Years Strategy and Getting it right for every child provide frameworks for this type of work to be more widespread across the country – particularly in areas of high deprivation. The Scottish Government, in partnership with COSLA, can do much to ensure that emerging lessons can be shared and transferred, for example through publishing results of the evaluation of the Getting it right for every child programme later this year and further developing the online learning community.

### 3.3: Looked After Children

Although there is a growing focus on working with families as part of the solution, sometimes they can be at the heart of the problem. Home is not a safe place for all young people and those who are looked after at home or in other settings – foster care, residential care or secure care – are amongst the most vulnerable in our society. Unfortunately, these young people are statistically more likely to be in the justice system between the ages of 16 and 18. In fact, prison inspectors
have noted that prisoners are fourteen times more likely to have been taken into care as a child than average\textsuperscript{16}.

A number of reasons have been identified for this. They include:

- Lack of positive role models
- Fragmented educational background – sometimes exacerbated by frequent changes of placements and school
- Care packages in place ending at the age of 16
- Residential school placements ending at the age of 16

We know that many looked after children become independent and successful. However, many of them have experienced neglect, rejection or abuse and this can make the transition to adulthood more difficult. Studies show that looked after children are more likely than their counterparts who are not looked after to suffer mental health problems, go to prison, become homeless and have their own children removed from them. Part of this may be because the structures in place to support care leavers are inadequate. In order to address these needs and ensure that every young person has the opportunity to fulfil his or her potential, the Scottish Government is working with its partners on a number of policy initiatives.

The Scottish Institute for Residential Child Care (SIRCC) has been asked by the government to lead a major review of residential childcare – the National Residential Child Care Initiative (NRCCI) - so that every care home is the first and best choice for children who need residential care, not a place of last resort. The multi-agency NRCCI will consider how well the residential resources we have match the needs of children; the skills required of the residential childcare workforce; how to ensure more effective commissioning of services; and how to address the challenges facing the secure care sector. The working group that looked at the secure estate has already reported and ministers and COSLA have accepted the recommendations in full. The other working groups of the NRCCI will make recommendations by September 2009.

Work with young people conducted by Who Cares? Scotland\textsuperscript{17} indicates that the care environment can exacerbate rather than alleviate offending behaviour. Negative attitudes towards looked after children – amongst workers and wider society – are noted as a key factor. For many young people in care they feel disconnected without any stake in making progress.

“Once you are in care, you don’t really care and you think, ‘well I’m already here, nothing else can happen now. I just kept on doing it, robbing places and all that.’” (Male 15)

“I didn’t think my dad cared about me, he put me in care so I didn’t see the point, what’s the point of behaving anyway if I’m in care?” (Female 15)

\textsuperscript{16} Scottish Executive- Her Majesty’s Chief Inspector of Prisons Report (2002/03)
\textsuperscript{17} Who Cares? Scotland – Nothing has convinced me to stop; young people’s perceptions and experiences of persistent offending (2008)
However, as *Extraordinary Lives* underlines “there is nothing inevitable about looked after children doing less well in education.” However, it is difficult for anyone to focus on their learning unless other key aspects of their lives are under control. The report *Looked after children and young people: we can and must do better* recognised this and put a clear focus on working together as a priority through the development of Corporate Parenting activity led by local authorities. The partners who can potentially be involved in the delivery of a positive corporate parent strategy are wide ranging, recognising the complexities of the solutions which may be required to improve outcomes. *These Are Our Bairns* provides guidance on the parts that the various members of the extended corporate family can play in improving outcomes and offering a high quality, positive experience of childhood and adolescence.

At the most fundamental level this places a duty on those in contact with children – teachers, social workers, youth workers, health professionals - to be equipped to support self-esteem and build self-confidence.

As Mark Johnson, who overcame an offending background and now advises the Princes Trust, puts it:

"The root of my recovery was learning how to value myself and others. If someone had taught me that when I was small, it would have cost society a lot less than my years of criminal havoc did."[19]

A wide range of interventions are in place to build the resilience of young people. However, once again the picture is patchy and uneven, with little evidence of strategic approaches. One model which has been utilised with effect is that of the Pacific Institute. Its programmes aimed at young people have been delivered in a variety of community settings’ including schools and health establishments as well as in Young Offender Institutions (YOIs).[20] However, funding for these has tended to be short term. An example of a more strategic approach has recently been shown by Leeds City Council’s Local Education Authority. As part of a youth-offending framework it has invested in training school staff in every school to deliver the Pacific Institute programmes.

Interventions designed to promote self-efficacy are likely to be of particular benefit to looked after children. It is hoped that the focus on resilience, confidence and wellbeing within CfE will encourage a wider application of such approaches within a more flexible framework, as we discuss further in the Schools section of this report.

In addition to this, looked after children need practical steps which provide stability in their lives during the crucial transition period of 16-18. Encouraged by key Scottish Government reports, *We Can and Must Do Better* and *These Are Our Bairns* as well as Scotland’s Commissioner for Children and Young People[21] (SCCYP) a number of local authorities have identified the importance of supporting looked after children until the age of 18. By doing so they avoid major disruption to their lives at a key point in their education and all authorities should continue working to change the culture around the age for leaving care.

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[20] Current interventions include a major pilot in Caldervale School Airdrie aimed at all S1 and S3 pupils funded by NHS Lanarkshire
These are steps in the right direction and they align with other recent frameworks which focus on practical ways to support looked after children. In Section 5 where we discuss the post-school learning offer, we say more about specific steps being taken to improve the education, employment and training (EET) outcomes of care leavers.

3.4: Children of prisoners

The UN Convention on the Rights of the Child asserts that prisoners’ children are a group in need of special attention. These young people are especially vulnerable and face severe barriers to making a successful transition to adulthood. Recent evidence indicates that:

- They have 3 times higher risk of mental health problems than their peers
- They have 3 times higher risk of anti-social behaviour
- 65% of boys with a convicted parent go on to offend

In Scotland an estimated 16,500 children a year are separated from an imprisoned parent. This is more than the number losing contact with a parent through divorce. Yet children of prisoners are often invisible within the education system and as a consequence, can get a bad deal through no fault of their own. Awareness levels of this issue are uneven and our work indicates that some developments — e.g. the campus police, discussed in section 4 — are helping to address this.

One of the emerging benefits of the campus police model is that schools’ intelligence around at-risk children is improving. When a family member has been taken into custody campus officers will often alert school staff to raise awareness levels of any subsequent support issues.

However, this remains an ad hoc approach that relies too heavily on individual officers. Parental imprisonment should automatically alert schools that a pupil may need additional support, in line with the principles established in GIRFEC. Each local area should be able to evidence how they will do this, together with an explanation of steps that will be taken in support of the child.

3.5: Aspirations, peer pressure and territoriality

As much as social deprivation, poverty of aspirations is a major barrier for many young people in Scotland’s poorest communities. Young people’s attitudes towards what they can achieve are shaped by many factors: their home environment; teachers and other professionals; the media; and their friends. They can also be limited by conceptions of “what people round here can do” in ways that are limiting and unhelpful. Such barriers can discourage young people from engaging in learning in order to realise their full potential.

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22 For example, Scottish Government – These are our bairns – a guide for community planning partnerships about being a good corporate parent (2008)
23 Ministry of Justice and Department for Children, families and schools: Children of Offenders Review (2007)
24 Families Outside: Support and information for children affected by imprisonment (2009)
The importance of peer pressure – for good and bad - is widely recognised as a key factor in the aspirations and decision-making of teenagers. Longitudinal research\textsuperscript{26} with young people indicates that two thirds of 14 year olds intending to leave school at age 16 say that their friends plan to do the same. There is also a growing recognition\textsuperscript{27} that 11-14 is a key age group when aspirations develop from more idealistic to more realistic ideas. Critically, our fieldwork with vulnerable young people indicates that it is during this age range that many disengage from the education system, as we discuss in sections 4 and 6.

Peer pressure and territoriality are key driving factors in the frequency of gang-related activity amongst young people in some urban areas. In Glasgow's East End young people grow up aware of the defined territories between rival gangs which regularly leads them into disengagement from education and involvement in offending behaviour. Much of the documentation around gangs stresses the function they offer to young people without a strong sense of family belonging. They also underline the attraction of gang activity where there are limited recreational and vocational opportunities within the community.

Recent developments across the country – most notably those funded through Cashback for Communities and Inspiring Scotland – are designed to address these risks. They aim to widen the range of facilities available to young people within deprived communities as well as the informal learning opportunities. In both cases the focus is on engaging and diverting young people who might be at risk of offending. In Scotland’s largest city, Glasgow Community safety Services (GCSS) co-ordinates a multi-agency programme which includes mobile engagement facilities which can be deployed in hot-spot areas at times when gang violence is likely to occur.

These facilities include mobile five a side football pitches, mobile units with gaming consoles and urban cafes where young people can safely congregate and socialise. Available at evenings and weekends they are designed to reduce the risk of offending behaviours through boredom and lack of access to facilities. Another important feature is their ability to have staff supporting these facilities in hot spot areas during periods when trouble is more likely to occur – for example weekend evenings, when many statutory services are closed. This is also one of the strongest features of the voluntary and community sector (VCS), for example through the helpline service provided by Includem.

Critically, the GCSS approach involves all mainstream service providers and ties into existing provision, as well as harnessing the skills of the VCS and youth work. Thus, it aims to avoid past mistakes where new interventions have been layered on top of the mainstream with insufficient linkages in place. GCSS’s key partners include schools, the police, the NHS, the local college, social work, SDS and VCS organisations.

Through this approach progress is being made to reduce levels of anti-social behaviour. The model stresses the need to support young people to change behaviours – for example abuse of alcohol and weapon carrying - and to use positive role models to engage disaffected young people and move them towards learning and skills development. As the pilot rolls out across the city there will be many emerging lessons to share across the country.

\textsuperscript{26} Avon Longitudinal Study of Parents and Children (ALSPAC)
3.6 Case study: Liam

Liam grew up in a small Lanarkshire town and was brought up by his gran, due to his dad’s drinking and his mother leaving the family. From an early age he didn’t enjoy school where he was often in trouble. He has an early memory of being thrown out of a class in primary school after rowing with a teacher when she shouted at him for misspelling. In secondary school he was moved between mainstream schools on behavioural grounds before attending an EBD school and, finally, St John’s Residential School in Glasgow. In all he attended six secondary schools. In the final one – aged 15 – he was diagnosed as being dyslexic.

Despite moving around schools, Liam maintained a close network of friends in his community. There was little to do and much of their time was spent on the streets. From the age of 9 he started getting into trouble with the Police and had 7 appearances before the Children’s panel. Looking back he does not think this helped or deterred him. “A Panel’s just a laugh....they cannae dae much to ye. I’d just sit there then go out and do other stuff.” Liam also appeared in an adult court, but only after a case of mistaken identity in a homeless hostel where he was resident, so was acquitted.

In his late teens Liam was living in homeless units. Through his participation in various youth projects he was approached by a Community Learning worker in North Lanarkshire Council. She suggested that he start training in youth work. Liam started this but had to stop when he was diagnosed with a mental health problem aged 17. On his recovery he heard about the Prince’s Trust through a friend and enrolled on the Team programme. He got a lot from this and it helped put him back on track with his studies, as well as improving his confidence and employability skills.

Liam is now doing sessional youth work in North Lanarkshire and helping deliver Prince’s Trust programmes as a volunteer. He has recently completed a two year period as a member of the Scottish Youth Parliament and was selected to be a Prince’s Trust Ambassador – which involved visiting Africa and presenting to a wide group of audiences about the organisation’s work. In the future he is hoping to find a full time paid position working with young people.

Looking back, Liam thinks that it would have helped him to have had better support in school, particularly around diagnosing his dyslexia. He also thinks that he would have got into less trouble if there had been more facilities for young people in his local community.
4. AT SCHOOL

4.1: Introduction

In this section we consider the school setting within which much learning should take place. We have rooted much of our analysis in the future opportunities and challenges presented by the evolution of a number of key related developments.

Central to these, is the implementation of a Curriculum for Excellence (CfE), and the related development of Building the Curriculum 3. CfE aims to achieve a transformation in education in Scotland by providing a coherent, more flexible and enriched curriculum from 3 to 18. The curriculum includes all of the experiences which are planned for children and young people through their education, wherever their learning is taking place. Local authorities are currently making arrangements locally to begin implementation and, by August 2010, full Implementation of CfE will have begun across the whole of Scotland. It is, therefore, essential that the future of young offender learning is placed within this context, and must not be seen as a separate development.

Within our consultation process, some concerns have been expressed on placing too much emphasis on the Curriculum for Excellence framework which does not offer a formula. We must maximise the linkages and build on the very considerable development process. We must also recognise that delivering a meaningful learning offer to young offenders is at the sharp end of everything CfE is trying to achieve. The purpose of Curriculum for Excellence, and the entitlements to learning it offers, completely align with what we should be aiming for in developing a learning strategy for these young people. These are:

- Supporting every child and young person to become a successful learner, an effective contributor, a confident individual and a responsible citizen, with entitlements to:
  - a coherent curriculum from 3 to 18
  - a broad general education, including the experiences and outcomes well planned across all the curriculum areas, from early years through to S3
  - a senior phase of education after S3 which provides opportunity to obtain qualifications as well as to continue to develop the four capacities
  - opportunities for developing skills for learning, skills for life and skills for work with a continuous focus on literacy, numeracy, and health and wellbeing
  - personal support to enable them to gain as much as possible from the opportunities which Curriculum for Excellence can provide
  - support in moving into positive and sustained destinations beyond school

Identifying CfE as the central underpinning of a future learning strategy for this group, is dependent on two key development issues: (a) that Curriculum for Excellence is truly accessible to all young people, no matter where they are learning, and (b) there is significant buy-in and understanding from all key stakeholders on how CfE works with the operational mechanics of the criminal justice system.

Two final issues have emerged as central to considering young offenders in the school setting. Firstly, the continual emphasis on the need for early intervention.
Secondly, recognition that resources are not necessarily the problem, rather the challenge is to clearly identify everything currently available, and use this funding better.

4.2: Early years and primary

Whilst much of the focus in looking at offender learning in schools remains on the secondary sector, it is important to recognise some significant issues within the early years and primary stages.

Perhaps the most important of these is a common sense from consultations with young offenders and young people at risk of offending that they enjoyed and responded to the teaching approach in primary schools, much more than the secondary offer. To improve the support offer for this target group in later life we should consider whether elements of the primary approach can be continued to an older stage for some young people.

Clearly, individual maturity is a key factor and there is anecdotal evidence that young offenders may mature at a slower rate than average, allied to their common deficit in terms of meaningful home support. In this context, there is a need to examine whether some of the key features of primary education – based on an ongoing link to a single and consistent subject teacher, and more generic and imaginative in content – could be translated into the secondary offer. We are aware that this approach has now been pioneered to a degree in the Danish school system.\(^\text{28}\)

A further important consideration in early years and primary learning is the identification of the children of offenders. As we have indicated earlier, generational offending within families is a sad reality, and breaking this cycle is a long standing aspiration of criminal justice policies. A factor within this is the impact that a parent going into custody is likely to have on a child’s learning. Recognising this, and ensuring teaching staff are aware of these types of developments, is critical. This is too often an overlooked dimension of “early intervention”.

Encouragingly, we begin to see an increasing alignment of policy agendas in terms of prioritising earlier intervention. The education, social care and health sectors are all concluding that identifying and intervening early with at risk children and families is by some distance the most “human” and cost effective approach. For example, the work of the Glasgow CHCPs presented in Section 3 is based on a recognition that if we intervene at an appropriately early point, a much more effective response can be provided to reduce a host of health, offending, and learning problems. Building and widening approaches based on this analysis should be a key element of future action.

4.3: Transition and secondary

The transition into, and provision of, secondary education is a critical part of the learning journey for young people. But it is the stage at which many of the key problems manifest themselves, and there is no doubt from our consultations (and from many other studies) that for many young people who become involved in the criminal justice system, secondary school is commonly an unproductive and

\(^\text{28}\) In Denmark, the approach is now to enable the pupil to be taught by the same subject teacher throughout the full secondary period.
un-enjoyable experience\textsuperscript{29}. It is somewhat obvious, but nevertheless critical to note, that addressing this is a key part of the future challenge.

**School attendance and truancy**

The first and fundamental question to address is: do these young people actually go to secondary school? This links to the related issues of truancy and exclusion, and (as we cover in more detail in section 4.4) educational provision outside of the traditional school setting.

Repeatedly our consultations with young people reflected increasing disengagement from school from the early secondary stage\textsuperscript{30}. A pattern of increasing absence progressed for some to virtual non attendance – often at an alarming rate. Moreover, there was a sense in many discussions that the trend was beginning for many young people at an earlier phase – in S1 and S2 as opposed to previous views that S3 tended to be the key trigger point. This has potential implications for the timing of future educational of approaches based on personalisation and choice, which we return to below.

It also demands scrutiny of what is done at the point young people begin to disengage and demonstrate an increasingly irregular attendance pattern, and who is expected to lead on this. A host of school and partnership based initiatives are now addressing this through more proactive work, including home school workers, SDS led projects, and Campus Police. But equally, a recurring fieldwork theme amongst young people, and staff in support agencies was that truancy did not appear to be a problem, and that on occasions there appeared if anything to be a cosy “deal” between the school and pupil in which both parties were happy to see the truancy continue. As one criminal justice commentator noted, we need perhaps to be more honest about “the truth that dare not speak its name” - that some schools are quite happy if their more challenging pupils stop attending. In effect meaning that a problem manifesting itself in an education setting is then exported into the community and youth justice arenas.

This is a sensitive issue but the importance of it cannot be understated. It also has to be recognised (as several consultees acknowledged) that within some schools it is to a degree understandable – disruptive pupils have the potential to impact adversely on the majority’s education, and will take up more teacher time. Progress will not be achieved by simply criticising schools on this point; rather the challenge is to consider how they can be better supported to address the undoubtedly high tariff challenges presented by many young offenders in a learning environment. It will also be critically linked to what we want them to attend or return to school for. This is returned to later in this section. Before then we consider the other key factor in the non participation of young people in secondary schools: exclusion.

**School exclusion**

Whilst precise national data on school exclusion and offenders are not available, a useful proxy is provided by Scottish Government statistics on exclusion rates amongst children and young people looked after by local authorities. A key conclusion from this is that young people looked after at home are ten times

\textsuperscript{29} Improving the Literacy and Numeracy of Disaffected Young People in Custody and the Community – National Research and Development Centre for Adult Literacy and Numeracy (2005)

\textsuperscript{30} Cited in the submission of Youthlink Scotland to the Education Committee’s Pupil Motivation Inquiry (2005)
more likely to be excluded than non looked after young people. Children and young people looked after away from home are seven times more likely to be excluded.

One of the most striking pieces of quality local research we have considered in preparing this report is the Edinburgh Study of Youth Transitions and Crime\textsuperscript{31}. It notes, based on a longitudinal tracking study, that one of the most important predictors of criminal record status was school exclusion by the 3\textsuperscript{rd} year of secondary education. Those in this category were almost two and a half times more likely than those not excluded in this period to have a criminal record by age 19. From this, the report concludes that the policy response should be a further review of school exclusion policies\textsuperscript{32}.

Again many examples of good practice in addressing these issues are apparent, and the key features of these are identified in section 4.6. In particular, the Glasgow school “cluster” model which enables a neighbouring school to try and engage a young person where the original school has encountered problems. Section 4.4 also highlights the breadth of opportunities Curriculum for Excellence offers young people by delivering flexible programmes based on personalisation and choice.

A further point is important in relation to exclusion: that where a young person is excluded, and transferred to the roll of some form of “special” school/provision, they very seldom return. This does not necessarily mean it is inappropriate, but perhaps there is the need for a greater understanding of the likely long term consequences.

Non attendance at school – whether by pupil “choice” or exclusion – is clearly linked to what the educational offer is. Young people commonly talk of being bored at school, and of being in classes “that are about things and exams they know I’ll never sit”. To a degree, truancy is young people “voting with their feet” – though we are aware for young people involved in the justice system a number of other factors are also in the mix.

Consequently, there is a need to ask what we are offering these young people in a school setting. It is important that there are opportunities for a broad range of experiences. All young people, including those in need of more choices and more chances, are entitled to opportunities for developing skills for learning, life and work. Curriculum for Excellence aims to support young people to develop skills which they will use throughout their life and in their work, including the development of pre-vocational, enterprising and employability skills, personal skills, high levels of cognitive skills and the opportunity to put learning into a practical context. These skills are relevant from the early years right through to the senior phase of learning and beyond and should be developed across all curriculum areas, and in all the contexts and settings where the young person is learning.

Making the link between the classroom and workplace can help young people to see the relevance of their learning and understand the contribution that they can make to their schools and colleges, to their community and to the economy.

Linked to this is the increasing use of a wider range of recognised achievements, to complement the traditional focus on attainment. The recently produced

\textsuperscript{31} Criminal Justice Transitions (no 14) – Edinburgh Study of Youth Transitions and Crime (Lesley McAra and Susan McVie 2007)
\textsuperscript{32} This is being progressed through the current development of “Included, engaged and involved part 2”. This is anticipated to go out for consultation in the autumn of 2009.
document “Amazing Things”\footnote{Amazing Things: a guide to youth awards in Scotland – CBI Scotland and Learning and Teaching Scotland} provides a very helpful summary of some of the many options now available. These are likely to be more suitable options for some young people than the traditional emphasis on Standard Grades and Highers. To date, these wider options have been used more commonly in the post school arena, and learning from this should continue to feed into school based approaches.

**Staying on at school**

Related to developing a more attractive secondary school offer is the age to which young people will stay at school. The Edinburgh study cited above, highlights another key correlation – young people who leave school at or before the age of 16 are three and half times more likely to have criminal records than those who remain longer in education. The factors that lead to leaving school are complex and interrelated, and it would be simplistic to suggest that they can be addressed solely by curriculum changes. But nonetheless, evidence suggests that if we could keep some young people meaningfully engaged for longer we could simultaneously improve their learning and reduce their propensity to offend.

**Connecting learning with the demands of the youth justice system**

A further key issue is how the school offer to young people connects to the operation of the justice system – primarily through the Children’s Hearing System (CHS). This can often focus on the options for either the continuation of, or reconnection to, a learning journey for young people appearing in front of the Panels. This demands co-ordination and “ownership” of the learning element – at present the Panels recommend action, Social Work facilitate the implementation of this, and the school (if this is the option agreed) will deliver. In theory representatives from all stakeholders then attend review meetings to consider progress.

The process operates well in many areas, but demands significant co-ordination and a clear understanding of respective roles. In some of our discussions with Panel members there were reflections on tensions and some communication issues between varying staff, and sometimes infrequent attendance at review sessions. Moreover, the panel members reflected that their knowledge of the various education options was sometimes limited. More work is needed to improve co-ordination and to increase the use of common terminology across different disciplines. We would suggest CfE is again the best vehicle around which this could develop, but note that in our discussions awareness of this agenda, and the radical reform it is intended to introduce, was primarily limited to people working in the education sector. The continued development of GIRFEC, including work underway on facilitating electronic information sharing, is also relevant.

A practical example of work seeking to connect the school and justice agendas is the Campus Police initiative which now operates in more than 60 secondary schools. A full evaluation of this initiative is anticipated in the summer of 2009 but qualitative consultations for this review suggests Campus Police are significantly contributing across a range of key learning issues. Alongside inputs to specific classes, the community police officers undertaking this role are building a stronger recognition that youth offending issues link schools and wider communities. Connections with offending within families are also strengthened, with many Campus Police able to feed in real time information on any offending
by close family members of pupils to school meetings – providing an early warning sign that a deterioration in the learning of the pupil affected may follow. Where truancy appears to develop as a result of these factors the Campus officer will commonly undertake home visits to assist resolution of the issue.

Skills and capacity

Any changes and improvements in the secondary school offer for young people will inevitably depend upon the skills and capacities of staff. These young people present a particular range of challenges, and it would be wrong to assume that all teaching staff have the knowledge, experience and tools to address these. Moreover, studies on effective work with this group continually emphasise the need to have some level of empathy with, and an understanding of, their circumstances. Curriculum changes matter, but they will require to be supported by an appropriate investment in professional training and development.

In most cases young people remain in school and, whilst schools retain overall responsibility for planning the most appropriate provision, they must work together with a wide range of partners to deliver a personalised learning experience, based on the young person’s needs. Key partners in this include colleges, community learning and development, employers, other training providers and Skills Development Scotland. All young people, but particularly those in need of more choices and more chances, will benefit from different approaches to learning and opportunities to access learning in different contexts. Working in partnership will increase the likelihood of young people being offered a broad range of opportunities and scope for greater personalisation and choice.

There is increasing recognition that the skills and approaches in working effectively with this group often lie with staff from a range of sectors – most notably youth workers, key workers, and staff within a range of voluntary and community sector agencies. The importance of involving these partners is being increasingly recognised as central to improving support – particularly for more vulnerable groups of young people such as offenders. The skills, experiences and contacts of partners will be invaluable to schools as they plan broad and flexible learning experiences.

However, there is a need to ensure more knowledge and practice transfer between the various disciplines, and to establish a clearer understanding of “who does what best?” This will require an integrated approach across children’s and young people’s services, and the confidence within schools to acknowledge their need to engage different expertise to address this challenge. The GIRFEC approach to complex cases requiring multi-agency intervention – a common assessment model, based on shared language, feeding into a single co-ordinated plan, and co-ordinated by a lead professional – may provide relevant good practice.

Making change happen

The final issue in reviewing the secondary school offer is: who can make change happen? As we have repeatedly indicated, CfE provides a very relevant driver in policy terms, but it will require translation into action on the ground. Correctly, a consistent message of CfE has been to reiterate that it provides a framework for action, but leaves individual schools to develop the details of new approaches. This aims to harness the huge range of practical skills and experiences within schools. In developing new ways to engage young offenders we would strongly suggest that schools engage with other agencies involved in working with this
group - considering and extending joint learning delivery models. Good practice from post school models could also usefully inform this process.

In practical terms this will require buy in from Head Teachers, and we have been reminded of the extent to which the approach of individual schools to offender learning is reliant on their wider priorities. In seeking effective change, the key will be the presentation of a package which both enables and incentivises this.

4.4: Personalisation and choice

Flexible learning approaches

In this section we consider in more detail access to, and delivery of, what we would consider to be flexible learning approaches. These are particularly relevant to young people involved in the justice system as they tend to be offered to pupils not responding positively to, or engaging with more traditional approaches to learning.

The flexibility offered by CfE gives schools and their partners the opportunity to plan a curriculum that offers personalisation and choice to meet the needs of all young people, including young offenders. The learning community offers a coherent package of learning and support based on the individual learner which should include:

- Activities outside the traditional academic school curriculum, but delivered within the school setting and wholly or primarily by school staff
- Activities delivered within the school setting, but wholly or partly delivered by staff from other agencies
- Activities delivered by a range of staff, and in a mix of in school and out of school settings
- Activities delivered entirely outwith the mainstream school setting – either in partner premises or through special schools

In practice, this contains a wide range of individual activities and initiatives, which would be impossible to comprehensively catalogue. The menu of options varies considerably both within and between areas – commonly in response to wider strategic priorities and the availability of funding. This is an important factor in future strategic considerations: a standard offer available to young people across the country would be neither feasible nor desirable. CfE’s core aspiration to develop learning experiences based on personalisation and choice will be the key driver of further developments. Set within local contexts, these will provide an opportunity to build on effective approaches already in place.

The detail of services is often significantly different; but some common features can be identified:

- A greater emphasis on experiential learning, and hands on practical work
- More imagination in the use of innovative activities – sport, life-skills, arts, media, outward bound etc
- The introduction of different staff working with the young people
- A generally more relaxed and informal learning environment
• Smaller class /group sizes
• More variation in the activities offered to participants
• Reduction in the use of paperwork to a minimum
• Learning in a range of different settings
• Building in some form of extended work experience element (though this appears less common than the factors above)

These types of approaches are generally recognised as more likely to retain or re-engage young people with offending histories in learning, and in many areas they are reported as significantly involved in these programmes. Developing more of these approaches, and making them more widely available, must be a key element of the future learning package. But a range of developmental questions will need to be considered and addressed to enable future progress.

What is the intended ongoing learner connection to mainstream secondary education?

A key consideration within these learning approaches is the extent to which the learner remains attached to a mainstream secondary school. This varies between programmes which are largely delivered outside the school (but where the young person remains on the school roll), and programmes where the young person is officially “excluded”.

Two programmes in North Lanarkshire highlight this difference – The Flexible Learning Initiative (FLI) maintains connections to the mainstream secondary school, whilst the Expanded Learning Opportunities programme (ELO) is primarily for young people transferred to the rolls of non residential emotional and behavioural difficulties (EBD) schools. The ISMs project in Glasgow has developed a separate education unit in recognition that some high tariff young offenders will simply never operate or stay in the traditional school setting. Other approaches are based more on the concept of providing a “bridge” between mainstream school and other settings for learning – these include for example the Glasgow Interrupted Learning Centre and the small school located within the Community Alternatives Centre in Coatbridge. Other approaches include the establishment of separate units within secondary schools, such as St Mungo Academy’s learning zone in Glasgow, and the Inclusion Zone within St Maurice’s High School in Cumbernauld.

Strong views are expressed on either side on the degree to which we should strive for maximum inclusion in the mainstream, or accept that for some young people this will simply never work. Our conclusions are that given (a) a successful introduction of CfE, (b) the clear links between school exclusion and offending behaviour, (c) the importance of maximising young people in school beyond 16, and (d) the reality that few pupils transferred to special educational provision ever return to the mainstream, we believe the future strategy should be to maximise the retention of young people within mainstream secondary school rolls. The option must be retained however for alternative arrangements for particularly high tariff offenders, but if other elements of the approach work these should be relatively few in number.

The role of Colleges is of increasing significance in this equation; their partnership with schools in terms of working with young people outwith the school setting is
important, and they are a key partner in the delivery of CfE. Often these arrangements are based on strong partnerships between schools and the college sector, which commonly also involve SDS staff. We do not see this type of intervention, characterised by the Glasgow EVIP programme, as in any way a form of school “exclusion”, rather as contributing to the opposite. It is rooted in the increasingly important concept that leaving school is more of a managed sequence of stages rather than a single “event” which, correctly delivered, is likely to reduce the risk of a breakdown at the point of school to post school transition. Some tensions remain, however, in terms of how these programmes are funded.

**How do we ensure quality control and recognise progress?**

A concern with some of the flexible learning approaches is that it is difficult to measure progress or to evidence achievement to regulatory regimes, young people or their parents. Too often success has been claimed on the basis of fairly weak and qualitative performance frameworks. But recently a more imaginative application of a range of new awards has begun to address this potential weakness. The wider application of achievements as detailed in directories such as “Amazing Things” is a positive development that should be further encouraged. A very practical example of this is the significant growth in recorded achievements within the North Lanarkshire ELO programme.

**How do young people involved in the criminal justice system get access to these opportunities?**

It has been suggested in a number of our consultations that whilst young offenders are eligible to participate in many flexible approaches to learning, in practice they often fail to gain access. This appears to be due to a combination of: (a) overall demand for places; (b) a perception that some young people do not “deserve” these opportunities; and (c) belief that even the most imaginative approaches will not work with these groups.

One option to address this would be to ring-fence places or establish “young offender” specific interventions. For a range of reasons – primarily connected to stigmatisation – we do not endorse this approach. Rather, wider access arrangements need to give greater priority to this group. This would be assisted by the communication of evidence of past successes.

**How are the activities funded and maintained?**

Two messages recurred in our consultations on the funding of some flexible learning approaches which targeted disadvantaged young people. Firstly, that given their potentially cross-cutting impact, it was possible that a funding “stand-off” between agencies took place – rooted in the “somebody else’s problem” syndrome. Secondly, concerns that too many positive initiatives were discontinued when time limited funding ended. We would not under-estimate the extent to which both these factors are barriers to future progress. The solution lies in: an increasing sense of shared purpose amongst partners; a commitment to further examine joint funding and commissioning; and the establishment of robust performance frameworks which can demonstrate relevant gains to each partner.

**At what age should these types of interventions become available?**

There may be a need to re-think the point at which many existing flexible interventions become available. In theory, CfE will make access to these
opportunities available at all stages. However, this is not currently the case, and schools involved in this process spoke of the difficulties finding appropriate support for pupils in the early years of secondary school. This links to the overall requirement to focus on early intervention, alongside the sense that many young people increasingly appear to disengage from school from S1 onwards. As a result, some activities may be offered too late to make an impact. Again, the North Lanarkshire ELO programme provides some interesting learning – initially established as a transition intervention focusing on S4 pupils, it has now evolved into engaging significant numbers from S1 upwards.

Who needs to know and what?

Our discussions with both social work youth/criminal justice staff, and with Children’s Panel members, have suggested a sometimes limited understanding of the range of local flexible learning options, and the extent to which these could be available to young people referred through the Children’s Hearing System. Improved communication of this type of information has the potential for significant impact through a relatively straightforward improvement in how systems work.

The recently announced reforms of the Children’s Hearing System provide opportunities to consider how awareness levels can be strengthened.

4.5: At school - what works?

Through the consultations for this report, we have discussed and witnessed many examples of good practice, and observed committed teachers and the staff of other agencies doing positive work with young people with offending histories. Encouragingly, much of this is through recent developments, and is based on increasing realisation that partnership working is the key to addressing the learning challenges of this group. But as we have indicated in earlier sections, the statistics don’t lie – more is needed, and isolated examples of good practice need to become a more consistent and permanent offer.

There is much to build on, and increasingly a consensus on the generic features of what works34. However, tensions and varying views continue in some key areas – most notably the extent to which we should strive to include young offenders in the mainstream school setting, or alternatively develop separate specialist provision. CfE provides a helpful platform from which these tensions may be, if not resolved, at least balanced in the future.

From our review of secondary school education we would conclude that what works revolves around the following key features.

Believe it can work

We make no apology for beginning with this point. An overriding pre-requisite of the effective work we have seen has been the belief from the staff working with the young offender group that it is possible to retain and progress them in learning. As our case studies throughout this report highlight, this belief has over time transferred to the young people. The flip-side of this is that too many people in key positions remain of a view that little positive progress can be achieved with these young people and/or that they do not deserve any extra support.

34 See, for example, “Improving the Education of Looked after Children: a guide for local authorities and service providers”
The importance of all stakeholders believing in this agenda underpins virtually everything else, and communicating this message will be a critical change factor. As we have argued consistently, the implication of accepting that we cannot provide meaningful learning to these young people is all but unthinkable.

**Apply imaginative approaches**

Section 4.4 has highlighted the features of existing flexible learning approaches, and there are many examples of good practice. A consistent message from people developing and delivering these services is the need to continue to try new things, and to accept that some may not work. Increasingly, we have a significant bank of practical experiences to inform future development. In moving forward, it is also important to remember another key point – what we have done in the past for many young people has definitely failed.

**See schools as a part of a community solution**

As one consultee succinctly articulated, “schools simply reflect society”. Added to this, is the issue that youth offending is a problem for everyone in every community within which it is prevalent. It is not - nor ever could be - the sole responsibility of the schools to resolve the multi-faceted reasons why this occurs. But equally, schools have a critical contribution to make through supporting a meaningful learning offer to all young people. Increasingly, good practice recognises schools as being at the heart of inter-agency responses to community challenges; nowhere is this more relevant than the challenges of the offender learning strategy. Schools cannot simply “export” a problem which is likely to come back in a much bigger form – and with potentially huge human and financial costs - within the justice system.

**Early and earlier intervention**

It is difficult to over-state how consistently our consultations and research have emphasised this point. In summary, it is possible to identify key risk factors facing many children at a very early stage, and it is widely acknowledged that appropriate interventions at these points can be both effective and hugely cost efficient. But, problems remain in how priority children are identified, who has access to this information, and how appropriate actions are triggered. As one consultee commented, “too often we knew it was coming, did nothing, and then reflected that it would have been much easier to solve earlier”.

This problem extends far beyond schools and demands a co-ordinated partnership response. But within the school sector it should increasingly be reflected in good information transfer between the primary and secondary stages, and as indicated in Section 4.4, requires consideration of whether a wider range of flexible learning opportunities should be introduced earlier.

**Keep young people in learning for as long as possible**

The findings from the Edinburgh Study of Youth Transitions and Crime report confirm a wider intuitive sense amongst many consultees that sustaining young people in learning is critical. In practice it means that we avoid temporary or permanent school exclusion as far as practicable, and that we develop the curriculum in a way which may encourage young people to stay at school longer. We do not under-estimate how challenging the latter aspiration is, but it has the potential to be significantly supported by building meaningful links to 16+ Learning Choices. The options in this respect are further considered in Section 5.
Build partnerships and capacity

A critical requirement is to consider how partners can work together to ensure that young people are supported in their learning, wherever that may be taking place, by suitably qualified and motivated staff. Increasingly, this is evidenced by elements of learning being delivered to school pupils by staff in external agencies, based on an honest assessment of “who does what best”. The contribution of the community and voluntary sectors is particularly noticeable, and many of these organisations remain key engines of change and innovation.

It is essential that partnership working on this issue does not stall on the issue of “who funds?” Too many good pilot activities have been discontinued after dedicated time limited resources end. Successful joint solutions offer a combination of: clear objectives; clear gains specified beside the individual priorities of each partner; and a willingness of partners to share the risks and rewards of action.

It is also important to continue to invest in the skills and capacities of teaching and non-teaching staff. This should link to developmental work underway to introduce CfE, and within this it will be important to identify the specific skill-sets and approaches that work with young people involved in the justice system. Joint training across agencies is positive and applied in some current practice, but we need to do more of this by integrating the CPD processes of the respective partner agencies.

Engage all the people that matter

An effective approach to learning for young people needs to be rooted in some level of common ownership between key players in both education and justice. At present there are many examples of good practice and supported by developments such as GIRFEC the trend appears to be in the right direction. Further work is needed, however, to ensure more read-across and buy-in to CfE from justice stakeholders. In terms of schools, this needs to include youth justice workers, Children’s Reporters, and members of the Children’s Panels. A simple but important element of this will be to continue to develop common terminologies – these two worlds cannot continue to operate with different languages.

4.6: Learners in a secure setting

A small number of young people in Scotland are in secure residential units. The average number of residents in secure care during 2007/08 was 102. Although this accounts for a small proportion of those looked after by local authorities, they are amongst the country’s most vulnerable young people, with multiple and complex support needs.

This review has taken place against the background of an ongoing debate about the role and value of the secure care estate. Influenced by a desire to retain young people in their communities, and in some cases financial considerations, demand patterns for these facilities has changed so that there are more places than referrals. Consequently, the Scottish Government and COSLA recently

35 For example, Glasgow City Council has reduced its admissions to secure care by 45% since the introductions of ISMS in 2005.
agreed\textsuperscript{36} to the mothballing of 12 beds leaving a capacity of 90 spaces across the country’s 5 independent secure care units.

A detailed review of learning and skills within the secure estate has been beyond the scope of this work. However, the existing evidence base indicates a need to improve the outcomes for young people in this setting. The SOFI Report\textsuperscript{37} concluded that:

“...investment in secure care often failed to yield maximum positive impact as a result of failure to plan and support a young person’s journey from birth to adulthood.”

Within this, the report specifically addressed the importance of care leavers experiencing work before the age of 18, which has been highlighted in recent international research.

The SOFI report identifies the effective implementation of the GIRFEC Framework as the key to improving outcomes and raising performance amongst service providers. It also echoes earlier work by the Secure Forum Education Sub-Group which underlined the opportunities presented by the introduction of Curriculum for Excellence. This described the distinctive ‘broad and balanced learning programme across 24 hours’ and the scope within it for ‘holistic and integrated learning experiences’ consistent with the 4 capacities of CfE.

Our workstream has stressed the importance of providing all young people with an appropriate learning and skills offer, in line with CfE. It has also emphasised the importance of avoiding alternative pathways wherever possible. As the Government debates the role of secure care within the wider spectrum of support interventions it may wish to review the comparative merits of the current learning and skills offer for these service users more closely.

4.7 Case study: Jason

Jason was expelled from his initial secondary school at age 11. This was shortly followed by him being placed in a Children’s House in North Lanarkshire under Social Work supervision. By his own admission he was “… a wee riot”, and his expulsion was confirmed when he was “grassed up” for carrying a knife. He was then placed in St Maurice’s High School, Cumbernauld. Initially he was not at all keen to go.

Jason found fitting into this new setting difficult, but was then introduced to the school’s “Inclusion Zone“ (TIZ). This enabled Jason to spend time in this setting, alongside continuing to attend some mainstream classes. After initial suspicion, the approach of the staff in TIZ began to work with Jason. “They talked to me about what I wanted to do – and listened”. TIZ identified and built upon Jason’s interest in reading and storytelling, and his ambition to become chef. Additional support was provided by North Lanarkshire’s Flexible Learning Initiative (FLI) programme. Through TIZ and the FLI Jason was able to undertake City and Guilds training in hospitality, and undertook two work experience placements. He also was able to learn through his interest in football by undertaking an SFA coaching course.

\textsuperscript{36} Scottish Government and COSLA: A response to Securing our future: A way forward for Scotland’s Secure Care Estate April 2009

\textsuperscript{37} Scottish Institute for Residential Child Care “Securing Our Future” February 2009
Jason left school in the summer of 2008, and progressed to a job with one of his placement employers - a popular Glasgow restaurant. He also attained 5 standard grades, and a level 3 City and Guilds certificate. Due to a combination of factors Jason moved on from this job, and was then made redundant from a further catering job. But he remains confident about the future, and is currently applying for a Skillseekers placement with the Council.

Jason is in no doubt that without the support of TIZ his life would be in much worse place. He is sure he would not have survived in mainstream classes, and would either have been thrown out again or simply stopped going to school. He still keeps in touch with TIZ staff, and is now getting support from an SDS key worker. For Jason, the Inclusion Zone staff were like “another family”. He now looks after a younger brother whose life would also be very different if Jason had not sorted himself out.
5. POST SCHOOL LEARNING AND WORK

5.1: Introduction

The evidence suggests that few young people involved in the justice system stay at school beyond the compulsory school leaving date, and that many disengage before this time. The previous section explained the importance of these young people staying in school for longer. It also described ways in which effective partnership work can provide a more engaging offer for them, and identified CfE as a means of building upon this. However, the post school support infrastructure will also remain a critical part of the learning pathway for our target group—forming a key part of court orders, as well as providing a potential bridge to reintegration after periods in custody.

Post-16, CfE remains a central learning framework which is significantly enhanced in practical terms at this stage of learning by the continued roll out of the work of More Choices, More Chances Partnerships, and the current introduction of 16+ Learning Choices. In addition, the piloting of new Activity Agreements is of significant potential relevance.

A number of recurrent messages ran through our discussions on this element of the support pathway:

- The need to recognise that learning in this phase takes place during a very significant transition in terms of the transfer for most young people from the (generally supportive) Children’s Hearing System to the (more punitive) adult court systems.
- Post 16 there is no compulsory element to learning – requiring an understanding of the change in motivations by this stage.
- There are lots of things happening that could potentially assist learning for young people, but no-one has the full picture and it varies significantly between areas.
- Post school there is nothing equivalent to the overall structure and regulation provided by the school system – identifying the support offer available is consequently less straightforward.

5.2: Transitions from education

The building blocks: CfE and 16+ Learning Choices

Our fundamental starting point in considering current development and future opportunities in transitions from education is to maximise the linkages between offender learning, 16+ Learning Choices, and the senior phase of CfE. There is no merit – and considerable danger – in scoping out approaches running parallel to these frameworks. These are still in the implementation phase, and there is no suggestion from any of our consultees that at present they are delivering all that is required: but we must build from these foundations.

In summary, 16+ Learning Choices seeks to:

- Ensure all young people make informed choices about learning options post 16.
• Ensure the support process to achieve this starts within their final year of secondary schooling

• Ensure the young people receive appropriate support in terms of information, advice and guidance (IAG)

• Ensure young people can choose between a suitable range of post school options with elements of the menu attractive to all young people – recognising this may require approaches beyond the current collective service offer

• Provide young people with an ongoing learning offer throughout the period between 16 and 19 years old

• Provide young people with an appropriate financial support package

• Establish information and data transfer systems to ensure that the progress of all young people is tracked, and that local partnerships can evidence their overall performance levels

By replacing “young people” with “young offenders” in the above statements we believe we get very close to the aspirations for the 16-19 year stage of the offender learning strategy.

This does not mean to suggest any complacency. As section 2 has highlighted, in 2007/8 only 41.2%\(^{38}\) of young people with an offending background left school to a positive destination, compared to the national average for all young people of 86.5%. There is much work to be done to close this gap.

We have heard suggestions in our consultations that CfE or 16+ Learning Choices may work for most young people but won’t “cut it” with young offenders. We fundamentally disagree with this view, and believe it misunderstands a core purpose of these wider initiatives. The aspirations of the overall policy framework within CfE is not solely to succeed with young people who present with relatively manageable challenges; where they should be really judged is on the extent to which they “step up to the plate” in terms of groups such as young offenders. The challenge, therefore, for the offender learning strategy is to demand, specify, and seek evidence of progress that these wider frameworks are truly relevant and delivering for the young offender group. In this section of the report we focus on how this should be progressed.

A major challenge is simply how the potential of 16+ and CfE is communicated and “sold” to the justice world. As indicated in section 4, these are still perceived by too many to be “education” or “employability” initiatives, and we were struck in our consultations by the relatively low knowledge levels of these developments by staff in agencies central to improving learning opportunities for young offenders. This must change. We would suggest that a potential future “success” indicator would be the extent to which in three years youth justice workers, Children’s Panel members, Sheriffs, and others would endorse the statement “CfE and 16+ Learning Choices are a key part of the package in addressing youth offending”. Achieving this will demand joint action across both policy domains.

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\(^{38}\) As we consider elsewhere, this figure itself is likely to overstate the true young offender progression rate.
Specific challenges of the young offender group

Some very specific challenges for young offenders at the point of transition are apparent, and need to be recognised and addressed within the wider policy framework.

As we have indicated in section 4, too many of these young people are simply not at mainstream school by S3 or S4; consequently any narrow attempts to introduce the “informed choice” element of 16+ at this stage - and solely in this setting - will miss this group. Over time the aspiration – as emphasised in section 4 – must be to address this issue better in the secondary school stage. But realistically a significant number of young offenders will continue to be non/intermittent school attendees. To deliver 16+ and an appropriate transition offer to them – and realise the inclusion aspiration of this initiative – will require different engagement mechanisms, and high quality systems to identify where contact may best be made. Home visits and work with parents will be particularly important in this context.

16+ is rooted in the concept of continuing the learning journey, and ensuring a successful transition to a positive post school experience. Many young people are not in reality “continuing” a journey but hopefully restarting one. If engagement is successful, this will then require that the post 16 options offered are relevant and suitably attractive to young people. In sections 4.3 and 4.6 we consider what these might look like in more detail, but at this stage note that they will need to try and imaginatively incorporate approaches which appear more likely to work. Anything that looks like a rerun of what the young person has disengaged from previously is likely to fail again.

This links to the requirement to improve information flows between the agencies and support structures as a young person progresses through the system. Too often post 16 providers vent their frustrations on the lack of information received on young people joining their services, and the subsequent wasted time spent on approaches that – with the benefit of hindsight - were doomed to fail.

In an ideal world, by the post 16 phase, providers seeking to support young people should receive some intelligence on any learning approaches which have worked, and then build on these. This should be an aspiration in terms of the support offered to all young people, but its significance is greater for the young offender group. We know from previous progression data that they find it harder to make a successful transition from school. Given previous experience they will only respond to certain learning approaches, and undoubtedly reject others. Any knowledge we have which could inform making an attractive offer to a young offender based on his or her previous experience must be communicated. It is a good example of a challenge this strategy must set for 16+ Learning Choices.

16 – a key criminal justice transition

Leaving school is well recognised as a key point of transition for young people, and as we have indicated, for many it takes place before the end of their “compulsory” secondary education at 16. For young people, this is another key point of transition: from the youth to the adult criminal justice system. Understanding and aligning the implications of these developments is essential. Within the justice world it is commonly recognised as a major and often contentious reality that on their 16th birthday a young person moves abruptly from the solution focused and supportive Children’s Hearing System to the more punitive - and less “forgiving” – adult courts system. Considerable debate within the criminal justice policy arena continues around this issue, and we are mindful
of the danger that the offender learning strategy strays too far into the complexities of this. It cannot, however, be ignored as its potential implications for offender learning are very significant. We limit our reflections to 4 key points:

- Within the forthcoming Community Payback sentence regime any non custodial orders given to young offenders should contain a meaningful and realistic learning element - based on an understanding of the place and timing of learning within a wider support package, and linked to accessible suitably resourced local learning provision

- High quality and real time information is available in the process of making and implementing these orders to Sheriffs and relevant criminal justice staff

- The additional supports available within the Youth Court pilots are invaluable to both extending and co-ordinating learning provision for young offenders

- Many providers of learning would benefit from a better understanding of how the justice system for under 18s works

A final key issue on transitions, and on the entire 16+ offer, is the relative priority given to young people involved in the criminal justice system within the wider More Choice, More Chances agenda. This is far from the only vulnerable sub group of young people with a higher likelihood of problematic “not in employment, education, and training” status. Local MCMC Partnerships inevitably have to balance respective priorities. In general, we sense that the issue of youth offending has not been particularly high on the radar of MCMC activity to date, though there are some notable exceptions. In practical terms it is important to make progress on this issue, and given the critical importance of Single Outcome Agreements it is at the local partnership level that most focus must be placed. Some key approaches are suggested as assisting this:

- Generally raise awareness of young offender issues with local partnerships

- Encourage youth justice/criminal justice social work to become more actively involved in the work of local MCMC partnerships, based on an increasing recognition that the MCMC agenda can be a critical support component of wider youth justice strategies

- Emphasise the close linkages and significant overlap between the incidence of youth offending and other key risk characteristics – most notably young people in care, but also alcohol/drugs issues, mental health problems etc

- Celebrate success and demonstrate practical impact in progressing young offenders to EET outcomes wherever possible

- Demonstrate and reinforce the likely short and longer term consequences for young offenders if they continue to participate in no meaningful learning

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39 We are aware that the Youth Court pilots are subject to a review at present, and have noted some strong views on both sides as to whether they should continue. We are not suitably qualified to comment on this core issue, but would note that in Lanarkshire there was universal endorsement of the additional community based supports incorporated within the Youth Court arrangements and funding regime.

40 There were concerns expressed from people involved in the youth justice system that some learning providers did not seem to prioritise developing any even rudimentary knowledge of the justice system, and that doing this would improve their service offer to young offenders. For example, one youth justice worker commented that an offer to training providers to observe the Airdrie Youth Court had not been taken up.
5.3: The post school offer

In this section, we briefly consider what is currently available in terms of post school learning options for young people.

This is not a comprehensive review for three main reasons: (a) in terms of specific initiatives there are very many options available and we have not conducted a comprehensive audit of these, (b) very many specialist interventions are locally/geographically focused, so what is available in each area commonly varies significantly, and (c) many interventions are time limited, often based on temporary funding - consequently the picture continually changes.

Three main categories of progression options for young people under 18 are available:

1. **The traditional general options potentially available to all young people** - full or part time employment; further and higher education; the Skillseekers national programme operated by Skills Development Scotland; and volunteering. These options are normally available, in different forms and quantities, across Scotland.

2. **Interventions for young people generically categorised as having “additional support needs”** – including the national Get Ready for Work (GRFW) programme operated by Skills Development Scotland; a range of College programmes adapted to address the specific needs of these young people; supported employment schemes; and a very significant array of specific initiatives delivered commonly by voluntary and community sector organisations, and sometimes by the private sector. With the exception of GRFW, these interventions will normally only be available in certain areas having been either “locally” grown, or are dependant on specific and locally focused funding streams. They are also more likely to be wholly or partly dependant on funding which is not secured in the longer term. Young people involved in the criminal justice system have the potential to access these programmes alongside a range of other “vulnerable” target groups.

3. **Interventions specifically/exclusively designed to support young offenders** - these are far fewer in number and will normally be directly linked to either young people leaving a period of custody or to court orders. Often they can be linked to specific prison release programmes, and are considered further in section 6.

Considering the initial two categories it is important to remember a starting point where at best only 41.2% of young people with an offending history progressed to any of these options in 2007/8. Training was the main progression route (and the only one where the percentage of young offenders progressing was higher than the average for all young people); this was followed by further education and employment respectively. In terms of training and college progression it is likely that much of this will be delivered through GRFW or special engagement programmes operated by Colleges.

Interventions in the second category are numerous and varied. We have had the opportunity to talk with people involved in the delivery of many of these, and it is apparent that much good work is underway. In section 5.6 we pick out what we believe are the key features of effective practice. But the geographic spread of
these services is patchy, and many apparently positive initiatives fail to sustain their funding base and close.

Capturing and communicating all these various options, and how they connect to provide a comprehensive and appropriate service offer, is at the heart of the MCMC and 16+ Learning Choices. Without this, it will be very difficult to judge whether - from a local or national perspective - an appropriate menu of options is available. Mapping work has been undertaken in many areas, and this is now being augmented by a comprehensive cataloguing and signposting process led by the national MCMC team. Within this is the assumption that we need to be more imaginative in defining the offer, and develop new opportunities.

Increasing emphasis is anticipated to be placed on short, flexible, part time interventions focused on generic life and work skills. These are considered as essential front end supports for young people who need additional support to make and sustain an effective post school transition. Further connections to experiential learning, community learning and development activities, and volunteering based opportunities are also anticipated. The roll out of Activity Agreements will help widen these opportunities.

**Connecting young offenders to the opportunities available**

These types of development – largely universal in their nature – have the potential to significantly improve the learning offer for young people with offending histories. The challenge is to ensure full connections are maximised, and that the wider agenda addresses the specific demands of this group. However, a number of key challenges need to be factored into the developmental process:

- The options need to be genuinely available to young people with offending backgrounds – we have heard a number of consultees and young people reflect that by design or default they are excluded from services for which they are technically eligible

- The services need to be visible, clearly communicated and accessible to these young people – based on an understanding on where and how information is communicated, who needs to know, and aligned with any potential access demands emanating from criminal justice processes. In respect of the latter there is also a need to consider, from a learning perspective, developments in the youth justice system – for example the Youth Courts appear to progress cases about twice as fast as adult courts. Young people with outstanding offences hanging over them can be anticipated to be less focused on learning in the waiting period between offence and court appearance

- The services need to be attractive enough for the young people to initially engage and sustain engagement (section 5.6 considers the characteristics associated with interventions that seem to work in this respect)

- The services need to be available quickly. 16+ Learning Choices should echo the new “speed and immediacy” demands placed by the Justice Department on non custodial orders. Once a young person has committed to trying a learning option it must be available quickly – a course that starts in a few months may in practice be irrelevant

- The learning provision must be aligned and integrated with other supports required to address offending behaviour and its consequences. It must arrive at the right time in a young person’s development. Ensuring practical read
across to desistance theory is important – young people often need time to build a trust based relationship before other more tangible progress can be achieved in their lives

- These young people are more likely to need a number of chances – linear progression cannot be taken for granted in their learning. The concept of 16+ Learning Choices as an ongoing offer throughout the 16-19 year old period will be particularly relevant to this group

- Leading from this, we need to stick with young offenders, maximising every available opportunity and mechanism to maintain continuity of contact

- “Who funds?” cannot continue to hamper progress. The justice and learning communities – nationally and locally – must find approaches to blend support based on clearly identified “win-win” outcomes, and commit to maintaining pilots which can clearly evidence impact

- The financial package needs to work – young offenders, like most young people, are in part motivated by the need for money. The new Government work on reviewing the overall financial mechanisms to support young people in learning and training are important in this respect – particularly the new and more flexible opportunities provided by the Activity Agreements currently being piloted

- We need to be clear on what we are measuring, and over what time frames. Success with vulnerable young people is possible but it often takes time, and milestones of progress need to be identified. There is also a need to further develop longitudinal social return on investment based studies to better judge the costs of intervening against the costs of not. Clear and agreed outcome measures would also significantly advance practical partnership, and assist the resolution of the “who funds?” conundrum

In conclusion, addressing the challenge of engagement and sustainability in post school learning cannot be overestimated. Whilst this applies to all progression routes, we note a number of specific concerns in terms of the colleges. Retention in this sector is a generic challenge, but particularly acute for young offenders. Good work is underway – notably through community based partnership work involving John Wheatley College in the east end of Glasgow – but general challenges remain.

The ISMs project in Glasgow, for example, negotiated to ring-fence college places for young offenders but initially few actually moved to this option, and even fewer completed their course. Staff reported too many felt intimidated and “lost” in this setting. More recent work with the colleges has led to improvements in both access and retention. This should encourage further consideration of the overall approaches and the capacity of colleges to work effectively with young offenders, and deliver more than what has been described in some of our consultations as “grown up school”. Short non accredited courses help at the front end of engagement, and initiatives such as the Edinburgh based Access to Industry are successfully developing wider access routes. Moreover, progress and learning from the current Scottish Funding Council pilot “Care Leavers Programme” to recruit and retain more of this group in the college sector will be of relevance.

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41 This is currently being rolled out in 3 settings and involves John Wheatley College, Dumfries College, and a consortium of 3 Colleges in Edinburgh.
The consequences of the way in which the SPS contracts for learning in prisons may also be important. By contracting with only two colleges across Scotland, there is a real danger that all the others have a sense of being excluded from this agenda, and to a degree disengage. It certainly means that development of colleges’ capacity in terms of understanding and working with the young offender group is restricted. As we discuss further in section 6 this limits the “across the gate” connections with local colleges and other providers at the point of liberation.

5.4: Employment opportunities and the labour market

In 2007/8, around 10% of young offenders were recorded as moving to jobs on leaving school. The comparative figure for all school leavers was around 25%. Again the figures seem low, and set within an overall positive progression of just over 40% contribute to an overall disappointing picture.

These figures need some qualification. Firstly, they do not tell us whether the jobs were sustained or whether some young people move into employment at a later point. Secondly, a higher number of any group of young people moving straight to employment from school is not automatically positive: this would commonly be to low paid, and low or no skilled jobs which are often temporary in nature. As a consequence, national targets aim to maximise the numbers of young people progressing to further learning.

But with these qualifications, the limited connection of young offenders to jobs and the real world of employment is a cause for some concern, and something the offender learning strategy must address.

It is apparent that employment is a critical causal factor in reducing offending at all ages, and our discussions also suggest that many young people are more interested in working than in training or education. Whilst these options should not - and do not need to be - viewed as mutually exclusive, in terms of the young people’s perceptions it would be foolhardy to ignore the reality that many – if they want to do anything – “want a job wi some money”.

Connecting to employment opportunities in the post school phase is also of wider consequence. Many young people come from families where generational unemployment/worklessness is common – they will commonly have few positive job related role models. Due to attendance and other behavioural issues they are considerably less likely to have had any meaningful work experience at school. As one young person with this type of background concluded “…work is no for the likes of us”.

Rising unemployment and recession

Superimposed on these starting points is the reality, as this report is drafted, of a significantly declining national labour market. Unemployment rates are rising rapidly, and it appears likely that these will be relatively high for another few years. Lessons from previous recessions suggest two key and relevant implications (a) that young people as labour market entrants are normally more severely affected, and (b) that disadvantaged groups can be further excluded from job opportunities in these circumstances.

Reducing job opportunities may have other potential consequences for the learning opportunities of young people. As more of them struggle to find work, pressures can be anticipated to grow on other progression routes. For example, Scotland’s Colleges have indicated that applications have risen by over 35% for
the 2009/10 term, whilst a number of Get Ready For Work (GRFW) providers are indicating increasing pressure on contracted places. As young people with less intensive support needs are forced by the recession to look at these opportunities, there is a danger that the more disengaged groups are effectively “squeezed out”. Overall the capacity of the providers of these options will become more stretched.

Building positive employer links

It is consequently a challenging context: (a) young people involved in the criminal justice system have very limited connections to employers (b) increasing these connections is important, but (c) there are wider factors suggesting this may become more difficult in the short to medium term.

There are some positives and opportunities to build upon. A number of the effective interventions we have witnessed are still achieving very positive connections to employers through working closely on establishing long term “business based” relationships, and practically demonstrating that with appropriate support young people can become effective and reliable employees. New opportunities are apparent within voluntary and community sector employers, whilst volunteering has further potential to establish new routes by which vulnerable young people can develop work related experiences. In addition, a number of supported employment projects are developing ring fenced job opportunities – establishing a bridge to the open labour market. The approach of Kibble Works provides a good example of this.

The role of public sector employers remains somewhat controversial. In many areas the Council or the Health Board are the dominant employer. Moreover, local authorities in particular have a very wide variety of job opportunities, and as part of their community leadership role (including the delivery agent of criminal justice social work services) have a wider strategic and corporate connection to the offender learning agenda.

But historically, in terms of offering practical support as an employer, the public sector has often not realised this potential. Reasons for this have tended to include concerns of contravening recruitment and equal opportunities policies. In addition, offenders are only one of a range of groups seeking some form of preferred status in terms of direct employment and work placement opportunities. Finally, public sector employers now point to more limited scope for manoeuvre due to very tight public funding settlements and the wider impacts of recession.

Negative attitudes towards young offenders within the media and general public play into this. Local authorities – and in particular many elected members within them – are concerned to appear to be ‘rewarding’ young people with offending backgrounds, particularly if they are offered opportunities ahead of other vulnerable groups perceived to be ‘more deserving.’ These sensitivities are especially pronounced when employment opportunities are tightening.

Tackling this requires a co-ordinated campaign at the national and local level. At the Scottish level, this should focus on the importance of giving young people a second chance and can draw from previous campaigns such as the ‘See Me’ advertisements tackling attitudes to mental health. It could involve the use of positive case studies as well as communicating facts about the return on investment.
The third strand is for local authorities to ring-fence opportunities for young people at risk of offending – rather than aimed at ‘young offenders’ per se. For example, creating vocational pathways for care leavers leading to an opportunity of employment, along the lines recently announced by Inverclyde Council. In addition, through this work we have engaged with employers who would actively provide opportunities to young people with offending backgrounds in order to give them another chance. More work is required to optimise these opportunities.

There are no easy answers to this issue, however through the employer engagement activities at the local and national level there are opportunities to work more effectively in future.

5.5: Post school learning – what works?

A wide range of positive and innovative activities are available in the post school phase. A number of these are focused on helping young offenders, but more commonly target them within a wider group of disadvantaged or “vulnerable” young people. Considerable effort and commitment is apparent, and we are impressed by the degree to which the initiatives and innovation of the voluntary and community sectors are complementing the efforts of public sector agencies.

But the figures don’t lie: just over 4 in 10 young offenders left school to a positive destination in 2007/8. This suggests an urgent need to do more of what works, and to extend some local good practice across the country.

The range of approaches is all but overwhelming, and there is no shortage of practical experience from which to design future action. Within the details of these, some fairly consistent features of good practice emerge. Many of these echo the themes within what works in the school setting as detailed in section 4.6; this is important and reinforces that a future challenge is to continue to share experiences and learning across these two phases of the journey.

Make engagement as accessible and “easy” as possible – it is a somewhat obvious but critical point that as one service provider noted “if the young people ain’t here we ain’t helping them”. Another described his programme’s sole objective on day 1 as “to get them back on day 2”. This requires: flexibility in approach; good connections to “feeder” initiatives; and a preparedness to engage with young offenders where and when they want. Many existing projects fully understand this, and the practical operational challenges it presents. An example, has been Aberdeen Foyer’s development of a series of community “Learning Houses” to initially engage young people.

Take time on initial assessment, and recognise this as an ongoing part of any learning journey – all young people are different; it is essential that approaches to working with them are based on seeking to understand their starting points, motivations, and aspirations. Without this, well intentioned approaches may not work. Many organisations invest significant time in this at the front end stage, for example the Prince’s Trust utilise within some of their models a “five points of engagement” model. But assessment is also a continuous feature of good practice. The aspiration is that young people progress and change: how we understand and respond to this is critical.

Apply maximum imagination in learning delivery by understanding the learning styles and motivations of the young people – the features of relevant programme/service content are identical to those detailed in section 4.4 in terms of the flexible curriculum offer within the post 16 phase. This is unsurprising
given the increasing incidence of good post school providers contributing to these programmes. Applying this approach saves time and increases retention.

**Offer continuity and a guide through the journey** – one of the most striking messages from discussions with young people is their common sense of bewilderment as they move around a world apparently populated by a range of different “support” staff – speaking different languages, and apparently not to each other. We must ensure more continuity, and strongly suggest that the future direction of the young offenders strategy is rooted in mirroring the GIRFEC “lead professional” model. This must seek to incorporate approaches which work when a young person’s journey includes periods of custody.

**Recognise the underpinning importance of relationships** – repeatedly discussions with young offenders referenced individual people who helped them, who they responded to, who they respected, and with whom they clearly established a level of trust. Often they were not aware who they worked for, and commonly it was based on an acceptance that the relationship required that the young people recognised their part of a “deal” to help them progress. It was by no means simply the person who appeared to offer them the “soft option”. If we could bottle the elements of this, and then ensure a plentiful supply in all areas, the landscape of youth offending would quickly look very different. In practice, it demands that we identify people with the correct approaches and an empathy with young people, and continually invest resources to ensure their ongoing development, and to produce a future supply. In the justice arena this type of approach is recognised as a key element of effective desistance focused work.

**Evidence clear pathways** – good practice not only says they can clearly identify progression routes into, and progression routes onward from the intervention, they can evidence this. This includes clear details of contact agencies and individuals at both ends of the process, and the precise flows involved.

**Measure the right things** – the issue of what should be measured in these types of interventions has recurred for many years. Often service providers express concerns that funding agencies and others look for the wrong evidence – commonly linked to the need for overly simplistic and “quick” results. The world, it is argued, does not work like this, and we simply end up “chasing the targets”. There is considerable validity in this, but good interventions don’t simply complain – they work out what they think should be measured and invest time in developing systems and approaches to do this. Pioneering work on social return on investment is a good example of this; over time it provides the basis to open up new funding opportunities.

**Provide second, third and fourth chances** – young people cannot all be anticipated to engage and inexorably move through a series of positive labour market progressions. Set backs will occur. In these circumstances good practice requires that we: stick with them and maintain contact; signpost other supports which may have become relevant; where appropriate offer some form of lower intensity ongoing support; enable re-engagement when appropriate; and do it all again if needed.

**Involve family units wherever practicable** – evidence from many sources indicates that where applicable seeking to involve parents and families can be an effective way of engaging and sustaining learning. Again this reads across from learning to the theory of desistance, and the need to connect to wider social capital.

**Build on the “learning hooks”** – much of the good practice we have witnessed is designed from the simple premise that if young people aren’t immediately
attracted by learning, we should get them involved through something they are interested in. This has been described as “learning by stealth”, and is well recognised within the literacy and numeracy agenda. An example of this is the KANDO project operating with gang members in Glasgow’s east end as part of the wider anti-violence initiative described in Section 3. This stimulates engagement in learning by young men through sport, and primarily football. More formal learning pathways are then introduced within and beyond the project. It is also noted this approach appeared to offer the participants a more credible/“face saving” way out of their gang membership.

Maximise or create employer links – as indicated in section 4.4 these are important but challenging to develop. Many projects seek to offer extended work placements within programmes, often based on a significant investment of time in developing relationships with employer “partners”. Others have gone further and developed employment opportunities through social enterprise development. Kibble Works is perhaps the leading example of the latter, having now developed around 15 business areas.

Aspire – last but no means least is that good practice is characterised by a belief amongst everyone involved that it can work. Starting with staff, a key challenge is then to transfer this to the young people. In desistence terms it can be identified as part of the process of supporting young offenders to reframe their future “stories” as a more positive narrative. Venture Trust Scotland is a strong example of this in practice – restricting discussions of the participant’s past and focusing exclusively on the potential of their future.

One final element of “what works?” is worthy of concluding on. Capturing and communicating what is available nationally, but much more importantly at local level, is an essential underpinning of all future good practice. As a result, we end this section by reinforcing our initial message: that the key platform for future action is the practical and universal realisation of 16+ Learning Choices.

5.6 Case study: Michael

Michael works as a volunteer for the Venture Trust and is studying English and Psychology at Jewell and Esk College. He was originally referred to the Trust as an alternative to a custodial sentence.

He grew up in East Lothian in a family where heavy drinking and petty crime were the norm – “I never thought anything about it”. He stayed in school until age 15 and latterly was sent on a series of diversionary programmes to “keep me out of the classrooms”. Looking back he can see that the school was trying to help, but he wasn’t in a space to accept the support.

He initially tried college and was thrown out for poor attendance. During a period of unemployment he got support from a number of agencies – statutory and voluntary – which were “pretty useless” and intent on pushing him into the first job that came along.

Regularly in trouble, instead of finding himself in Polmont he ended up in a Highland wilderness with the Venture Trust – “no mates, no booze, no mobiles…”. He found it tough at first – physically and mentally – and faced challenges he had not met before.

Working with the VT team he produced an action plan and had to focus on what mattered to him and how he could sort his life out. He found the attitude of the
VT staff quite different from other agencies– “You could tell they weren’y just in it for the money- they got a big buzz from bein’ wi you.“
The experience was intense (“At the end you feel like you’re part of the family“) and although he worried about coming back home, he has kept on track – due to his own commitment and to the organisation’s ongoing support.
6. IN CUSTODY

6.1: Introduction

In this section we look at 16-18 year olds in the prison estate. As we have discussed, the term ‘young offenders’ covers people aged 16-21 in the Justice System, so the content of this section has been developed in collaboration with colleagues on the ‘In Custody’ Workstream. This recognises the shared aspects of the learning and skills experience in prison, although there is a distinctive agenda now emerging for those under 18.

There were 4,279 prison receptions amongst 16-18s in Scotland in 2006/07. The majority of these (3,002) were remand prisoners whilst most of the others were subject to short term-sentence as the table below illustrates.

<table>
<thead>
<tr>
<th>TABLE 2: SENTENCED RECEIPTIONS OF PRISONERS 16-18 (2007/08)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of sentence</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Less than 30 days</td>
</tr>
<tr>
<td>30-59 days</td>
</tr>
<tr>
<td>60-89 days</td>
</tr>
<tr>
<td>90 days/3 months</td>
</tr>
<tr>
<td>Over 3 months &amp; less than 6 months</td>
</tr>
<tr>
<td>6 months &amp; less than 2 years</td>
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<tr>
<td>2 years &amp; less than 4 years</td>
</tr>
<tr>
<td>4 years &amp; over(excluding Life)</td>
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<tr>
<td>Life / Section 205</td>
</tr>
<tr>
<td>Average Sentence Imposed (days) excluding life</td>
</tr>
</tbody>
</table>

Source: Scottish Government

The table shows that although the average sentence length is 324 days. 51% were for less than 6 months and 88% for less than 2 years.

In terms of profile, government data shows that of the 16-18 prison receptions that year:

- 4.5% were female
- 1.5% were from BME communities

Scottish Government data also shows that the reoffending rate is highest for young offenders and that 53% of young offenders return to prison within two years\(^4^2\).

A high proportion of young offenders are held at Polmont YOI near Falkirk. The latest annual snapshot (March 2008) showed that 313 of the total 476 prisoners aged 16-18 were imprisoned there. The table below shows the distribution of the 16-18 year old prison population at that point.

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\(^4^2\) Scottish Government from 2004/05 data
Table 3: Distribution of prisoners aged 16-18 in prisons on 26th March 2008

<table>
<thead>
<tr>
<th>Prison</th>
<th>Number of 16-18 year old prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polmont</td>
<td>313</td>
</tr>
<tr>
<td>Perth</td>
<td>55</td>
</tr>
<tr>
<td>Greenock</td>
<td>26</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>24</td>
</tr>
<tr>
<td>Cornton Vale</td>
<td>19</td>
</tr>
<tr>
<td>Kilmarnock</td>
<td>16</td>
</tr>
<tr>
<td>Aberdeen</td>
<td>13</td>
</tr>
<tr>
<td>Inverness</td>
<td>7</td>
</tr>
<tr>
<td>Dumfries</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: Scottish Prison Service

Scotland’s approach to imprisoning young people is currently under review, following the Prisons Commission\textsuperscript{43} report and the Government’s response\textsuperscript{44}. The direction of travel is towards:

- Fewer short term prison sentences, with custody reserved for the most serious offences
- Fewer under 18s in the adult justice system – and consequently in prison
- 16 and 17 year old prisoners being detained separately from older prisoners unless it is in their best interest to do otherwise

These are dramatic changes, which are driven by an acknowledgment that the current incarceration model has done little to reduce reoffending rates. It has significant implications for work being done to improve skills and learning for young offenders and we explore these in our final section.

6.2: Aims of Learning and skills in prison for 16-18 year olds

The Scottish Prison Service works towards 9 shared offender outcomes, two of which pertain specifically to learning and skills:

- Improved literacy skills
- Employability prospects increased

However, we have already explained that our interpretation of learning and skills reflects the Government’s commitment to skills for learning, life and work and in this context all of the outcomes are equally valid and inter-linked, for example:

- Sustained and improved physical and mental well-being
- Maintained relationships with families, peers and community
- Improvements in the attitudes or behaviour which lead to offending behaviour and greater acceptance of responsibility in managing their own behaviour and understanding of the impact of their offending on victims and on their own families

\textsuperscript{43} Scotland’s Choice  
\textsuperscript{44} http://www.scotland.gov.uk/Publications/2008/06/30162955/0  
http://www.scotland.gov.uk/Publications/2008/12/16132605/0
In recent years, there has been a growing emphasis on developing prisoners’ employability. The context for this was an economic environment of high employment rates with employers struggling to fill vacancies. This was underpinned by the UK Government’s welfare to work policy which posited employment as the optimum route out of poverty. In Scotland this was echoed in Workforce Plus45 and, to a lesser extent, by More Choices More Chances46, where the focus was supporting 16-19s to be in Education, Employment or Training.

The recent economic downturn has few benefits, however it does present an opportunity to review the purpose of learning and skills for offenders of all ages.

Equipping prisoners for the labour market remains an important priority as there is a strong evidence base47 showing the role of employment as a factor in desistance. However, although the outcome data is very limited48, it shows that even at the height of economic growth the number of ex-prisoners progressing to employment was low. This suggests that although there are specific labour-market barriers facing ex-prisoners (most notably disclosure) only a minority are job-ready at the point of liberation. For most young prisoners, significant support is required in order to move them into sustained employment.

This has major implications for the learning and skills goals for young offenders. It suggests that rather than a narrow focus on employability, the aim should be to provide a balanced offer that can enable these young people to successfully reintegrate in their communities. In this respect that aim is no different from the focus on delivering the four capacities of CfE to all young people. Moving forward, this should provide the basis of the curricular offer to under 18s in custody.

All professionals engaging with these young people have a duty to support their overall development as part of the rehabilitation process. Within prison, this applies to all SPS staff – not merely those who have an identified role within the vocational training provision. Prison officers walking the halls have most regular contact with these young people, and can make a significant contribution to improving their confidence and self-esteem. However, feedback from prisoners indicates that not all officers see this as part of their role.

6.3: SPS approach and delivery model

Within the prison estate there is a wide range of provision aimed at delivering these outcomes. Around learning and skills, the most notable are the Learning Skills and Employability (LSE) contracts and the Vocational Training (VT) provision. The LSE contracts are held by Motherwell and Carnegie Colleges with the former responsible for Polmont (where most young offenders are held) and the latter for Cornton Vale, which houses women prisoners. VT is delivered by prison officers. In addition, each prison has a range of external providers (including Jobcentre Plus, Careers Scotland and voluntary sector organisations including the Wise Group, Access to Industry and NCH Action for Children) which provide skills and learning support.

16 and 17 year olds in prison currently have the same offer as all young offenders, although this is due to change with the opening of separate facilities

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47 See for example, SEU, Breaking the Cycle (2002)
48 Jobcentre Plus data for 2007/08 indicates that 2.4% of ex-prisoners accessing Employment and Benefits Service (EBS) progressed to employment
for under 18s in Polmont from October 2009. At the time of writing a planning group was working on the utilisation of these new facilities.

Information on the impact of the existing interventions is limited. The key performance indicator (KPI) relating to the LSE contracts is the number of Prisoner Learning Hours (PLHs) which is an activity, not an impact measure. There has been no external evaluation conducted of the current LSE contracts or of the SPS vocation training delivery.

The physical environment always affects learners, and prisons are no different. The condition and quality of buildings across the prison estate vary greatly, and we note that significant investment has been made in some prisons in recent years. There is also an ongoing programme of prison construction which will include the separate facility for 16 and 17 year olds in Polmont and the development of community-facing prisons beginning with a facility in Grampian.

However, this review has shown that new does not always mean better. The learning facilities in Polmont for example, although recently completed have been widely criticised by prisoners, SPS staff and contractors as being far from ideal. Large, impersonal and in some cases without any natural light, these are a far cry from the primary school environments which prisoner focus groups thought worked best.

One of the major factors in all Scottish prisons is overcrowding and even the newly rebuilt Polmont, with 623 places, will be unable to house all young offenders. This pressure on the prison system undermines much of the investment being made and dilutes the quality of provision available to prisoners. This was highlighted in a recent Prison Inspectorate report looking at conditions of Polmont overspill prisoners in Greenock and Perth Prisons.

“For in these two smaller halls where there is no overcrowding this report gives evidence that so many good things are done well: the prisoners feel safe, relationships are first-class, food is very good and prisoners spend a useful day out of cell at work or in education. Overcrowding at Polmont makes so much of that impossible. The irony is that it is the very fact that Polmont is so overcrowded which has made it necessary to set up these two ‘satellite’ halls in Perth and Greenock.”

The scale and layout of Polmont present a number of problems as a learning facility. One of these is the difficulty moving prisoners around – long exacerbated by ongoing construction works – which creates inflexible delivery arrangements. For example, education sessions for some groups are as long as 3 hours due to these limitations. This is far from ideal and places unnecessary pressure on learners and delivery staff.

The same report also underlines the poor conditions experienced by young women prisoners in Cornton Vale. It notes that facilities on site are limited to two classrooms and that:

“Overall capacity is severely limited – of particular concern is a lack of a dedicated art room and a suitable space to deliver cookery classes which are in demand by YOIs.”

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50 HM Inspectorate of Prisons: Report on Young Offenders in Adult Establishments (2009)
6.4 Learning Support Needs

A core screen assessment is conducted on all new prisoners. Tools are also used to assess new prisoners’ literacy and numeracy levels. These are assessed by the LSE contractor and support is offered to those who require it. No record is kept of prisoners’ literacy and numeracy levels; however, in Polmont between September 2008 and January 2009 Motherwell College found that the majority of new entrants were within and towards Intermediate 1\(^51\).

Furthermore, although evidence suggests that a high proportion of prisoners have moderate learning disabilities, there is no dyslexia assessment or support in place in Polmont Prison. This has been the case since funding for dyslexia screening was removed last year due to lack of usage.

In fact, the assessment landscape has been one of constant change with a confusing array of processes introduced and then withdrawn. Until recently, an alerting tool was used by SPS staff then passed to the LSE contractor for analysis. The literacy/numeracy assessment was initially based on the BSA then replaced by the SQA assessment tool in 2007. In addition, Individual Learning Plans were introduced but rarely utilised and ‘Learning Logs’ were developed but then replaced by the information entered onto PR2\(^52\).

In summary, there has been a lack of co-ordination and consistency which means that prisoners’ learning support needs are not always fully understood. The In Custody workstream report addresses these issues in detail and makes a number of suggestions for moving forward which we endorse.

In addition, there are specific issues for 16-18s in line with Curriculum for Excellence and the 16+ Learning Choices process, now rolling out across Scotland\(^53\). Given that so many prisoners are serving short sentences there is a requirement to ensure that their learning needs are assessed and that they receive adequate levels of support from the local agencies. The local authority, with its responsibilities for Education and the co-ordination of the MCMC Partnerships is expected to lead on this. We return to the issue of leadership and responsibility later in the report.

Our focus group discussions with young men and women in custody indicated that their recollection of the induction and assessment system was hazy. Going to prison is a major transition and is a particular shock for those experiencing it for the first time. A case has been made for delaying any learning assessment process – however limited – until prisoners have found their feet, and we would endorse this.

Although several group members had been working prior to being in prison, they had not been asked about previous learning or work experience. It is also clear that any work or learning they are engaged in prior to prison immediately stops once they are inside. For example, an SDS key worker explained that one of her clients who was on a Modern Apprenticeship was losing the opportunity as a consequence of being jailed. Greater flexibility and continuity in the learning offer within and beyond prison would be a positive step to maintaining young people’s learning momentum whilst in jail.

\(^51\) 70% were at these levels for Literacy and 61% for numeracy
\(^52\) Prisoner Records 2 is the SPS client database
\(^53\) 16+ Learning Choices is currently operational in 20 early adopter authorities and will be nationally in place by December 2010
Again, the role of Polmont as a national YOI makes this hard. Apart from the geographical difficulties, the challenge of liaising with 32 different local authorities means that any continuation of learning or training is very difficult. However, it is still a desirable outcome and we explore ways in which this might be achieved later in the report.

6.5 The learning and skills offer

Learning and Skills support is not offered to all 16-18 year old prisoners. Those who are on remand or on very short sentences can go through prison without any contact with the learning and skills provision. As we have shown, this accounts for a high proportion of those in prison at any one time.

As we have also noted, the aspiration is to have fewer young people in prison and to reduce the number of short term sentences. We support this, but would argue that in the meantime opportunities to engage with those on shorter sentences and remand should be fully explored.

We have already seen that many of these young prisoners disengaged early from school and as a consequence they come into prison with very negative views of formal learning. Learning in prisons is voluntary, and across the prison estate participation levels vary. Figures from Motherwell College for all Polmont participants show that 51% of the prison population participated in learning during the first half of 2009. This is one of the highest participation rates in the estate. The four consistently most popular programmes were:

- Creative Arts
- Communications and Literacy
- Life Skills
- IT/Computing

The use of creative approaches have proven to be particularly effective with young prisoners. A number of prisons employ readers, writers and artists in residence who are facilitating excellent work with young people. These often include participants who have learning support needs but who have elected not to engage with the formal learning offer. Other creative ways of engaging young learners have included:

- The writing and production of a play in association with the Traverse Theatre at Polmont
- Joint work with a local youth group to produce a DVD showing the consequences of young offending. This is being used in schools in Perth and Kinross
- Greenock Prison’s joint project with Govan Radio to introduce a young offenders’ DJ radio class

The culture towards learning in prisons varies. In some prisons, young prisoners are given financial incentives for participation and achievement. For example, in Perth Prison the youngsters are rewarded for attendance and for the achievement of modules. This has helped most inmates to achieve units from Access 2 level through to Higher National Diploma. Within Cornton Vale on the other hand, the picture is less encouraging. In addition to the physical limitations on the building,
young prisoners are mixed with women of all ages and report that they sometimes avoid participation in group sessions due to the attitude of other prisoners.\textsuperscript{54}

This uneven picture also extends to VT provision in prisons, which is delivered by prison officers. Many of them have previously worked in the respective skills areas and have taken trainer qualifications since joining the service. Most are enthusiastic and keen to support trainees’ progress. Demand for VT places is high across the prison estate, and in several prisons waiting lists are in place. The offer across the Estate tends to focus on craft skills, industrial cleaning and opportunities within prison services including catering, hairdressing and laundry work.

There are a number of strengths to this VT model. Trainees enjoy learning by doing and much of the VT provision gives an opportunity to acquire technical skills – albeit at a relatively low level – whilst building confidence and core employability skills like teamwork and communications. It also provides a setting in which basic skills can be acquired by stealth, for example estimating paint quantities and calculating areas for wallpapering. Some prisons also have good examples of the LSE contractor and VT instructors collaborating to support trainee needs in this area, although there are fewer examples than ideally.

As well as these strengths, there are weaknesses in the present VT model. A major one is the precariousness of the provision as it relies upon prison officers. If an officer is required to do other duties, or is absent through holiday or sickness, the sessions are often cancelled. For example, during our visits to Polmont the joinery workshop was not operational because the delivery officer had moved job.

Overall, the separation of LSE and VT delivery is unhelpful. It provides an artificial distinction between different forms of learning which has evolved for reasons of administrative convenience rather than being driven by learner need. The split of delivery responsibilities inclines prisoners to see two parallel systems rather than an integrated learning offer. This appears increasingly out of kilter with developments outside prison, where growing emphasis is being placed on personalisation, choice and learner-centred delivery models.

When considering the offer in prisons it is particularly important to note the severe lack of opportunities available to young women in Cornton Vale. Skills development and work-party opportunities are very limited, and confined to a bike recycling project, a greetings card enterprise and positions within prison services including the laundry and kitchen. There is competition for these and the usual prioritisation system based on sentence length. None of the ten focus group participants at Cornton Vale were participating in these, and there is considerable scope to improve learning and skills provision in the prison.

For our target age group, the fact that Polmont and Cornton Vale are national prisons disconnects younger prisoners from their local support networks, both in terms of service offer and geography. The introduction of the 16+ Learning Choices underlines this. Young men and women aged 16-18 are ‘out of sight out of mind’ in these national prisons when considerations are being made about the offer for those requiring more choices and more chances.

\textsuperscript{54} HM Inspectorate of Prisons: Report on Young Offenders in Adult Establishments (2009)
6.6 Transition Support – what works

16-18 year olds in prison face the same issues as their vulnerable peers in the wider community, as we have seen. In prison they are confronted with a confusing array of services and professionals. This was clear from our discussion with focus group participants who had often seen so many different agencies they struggled to recall which was which.

Compared to most prisons, Polmont has an even wider array of service providers, many of which offer similar services. In addition to the statutory agencies, the prison is routinely requested to allow voluntary sector organisations to have a presence. This created a confused situation where there was little co-ordination or communication between these providers. In 2005 there were in excess of 60 charities providing services within the prison with no comprehensive audit of their activities and the benefits deriving from them. This picture has now improved, partly due to the building of the Links Centre and to efforts by SPS to co-ordinate a regular forum between service providers.

Services which seem to be particularly effective are those which provide personalised support which begins in prison and straddles the liberation process. There are several of these services in place and they share a number of characteristics:

- Deliberate client targeting – usually by geography and release date
- Voluntary participation – based on promoting the service to the client
- Delivery by credible, enthusiastic personnel with excellent communication skills
- Predicated on establishing a strong trusted relationship between the worker and the client
- Emphasis on client’s ownership of the process
- Joint identification and agreement on key goals
- Production of a personal plan based on the above
- Brokerage of the young person’s access to other local support services
- Continued support beyond liberation point

We provide an example of these approaches below. However, although they appear to offer an attractive model, a number of structural weaknesses are evident, all of which relate to funding.

Firstly, this service offer is not universal. Organisations delivering these services are voluntary sector providers which have a variety of local funding models. This means that they provide services to young people who are from very specific geographical areas. For example, at present Polmont prisoners from much of south east, west and central Scotland are covered. However, young people from Tayside, Aberdeen and the Highlands – amongst others – are not.

Secondly, the funding is precarious. In the current climate many VCS organisations are struggling to secure funding and in at least two cases these services are being financially supported through short term commitments made
by Trusts with a particular interest in this client group. This raises challenging questions around mainstreaming which we return to later in the report.

One good example of such an intervention is the Passport project operated by Access to Industry (A2I). Developed in Polmont YOI, the project targets young prisoners pre-release and initially supports them to gain personal effectiveness qualifications. Beyond that, A2I works with the young person to identify EET opportunities, with a particular focus on access to further education colleges.

The model reflects many of the features described above and is based around the establishment of a trusted one to one relationship between the worker and the client. A distinctive feature of the approach is its focus on potential employment sectors and the model of bringing college staff into prison to deliver taster courses. To date, achievements have included engagement with 1,204 clients with 398 moving into positive destinations. In December 2008 the recidivism rate for those released into the community was 33%.

6.7 The voices of young prisoners

Our workstream process included two focus group discussions held with prisoners at Polmont YOI aged 16-19. Twelve participants took part overall. The sessions were held just prior to their release and we also had follow up discussions with a small number of participants after their release into the community.

Group profile

Five of the group were in prison for the first time. Of the 7 who had been in before, most could not remember how many times they had been in previously. The group was drawn from all parts of Scotland, from as far north as Dingwall to Selkirk in the south, with most coming from the central belt – Glasgow, Lanarkshire, Ayrshire and Fife. Sentence lengths varied between one month and 3 ½ years.

Views of school

The majority of participants had disengaged from school by the age of 14. They had either been excluded or had simply stopped attending from early secondary school. School had been ‘boring’ and several participants spoke of feeling out of place and unwelcome there from an early age.

They saw most subjects as being irrelevant – mentioning French and science in particular – and had commonly struggled to operate in a classroom setting. Primary school was described as having been easier and more enjoyable – one teacher, interesting subjects and more opportunities to learning by doing.

None of the group questioned the importance of learning, their problem was with the delivery format. They asked why learning had to be conducted inside a classroom and why there were so few opportunities for experiential learning that would equip them with useful skills. Asked what these might be they spoke of competencies relating to industry sectors like Construction and Forestry.

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55 The Robertson Trust is an organisation which is particularly active in this field, supporting a wide range of offender learning interventions
56 A survey conducted in Polmont YOI on 8th December 2008 found that 87% of inmates were repeat offenders. (Quoted from a presentation given by Governor Derek McGill)
Post-school experience

Most of the group had had some experience of post school provision. A couple had tried college unsuccessfully whilst a few had attended training courses – Get Ready for Work and the Prince’s Trust. Two had previously been in work, and hoped to be able to find employment again on release. All believed in the importance of finding work and thought that although this was difficult it was possible – and did not require them to undergo further education or training. Several thought they were most likely to find work through networks of family and friends.

Learning and Skills Support in Polmont

The feedback on this was mixed. Although they had completed an induction form they had been asked very little about their previous learning, skills and work experience.

There was a clear view that those on shorter sentences had access to few opportunities:

“If you’re a short termer you just do your time and basically go out with what you came in with.”

They explained that longer term sentences allow you to gain certificates through the working parties. Group members had acquired these relating to Health and Safety, Food Hygiene, Industrial cleaning and sports.

There was little enthusiasm within most of the group for the LSE offer. Traditional subjects were ‘too much like school’ although the Arts and Crafts provision was more attractive. However, one participant had engaged enthusiastically on the English programme and felt that he had achieved in a way that he had not managed at school.

There was an overall lack of clarity within the group as to what was available within prison relating to learning and skills and around who provided what. Several members of the group had had contact with individuals and agencies whose remit was vague or unknown. There was no sense of a co-ordinated individual learning plan for any of these young men.

Hopes and Fears

Participants spoke of a good future as one where they were living independently and in a relationship. In this good scenario they had accessed employment after a short period of training.

On release one hoped to find a college place (although details were unclear) whilst another would be attending the Venture Trust as part of his supervision arrangements. One young man who had been working with his father in the construction sector hoped to return there but was worried as the family business had been hit by the recession.

All were concerned about handling disclosure and unanimous that this would prejudice employers against them. The prevalent view was that it was better to take a chance by saying nothing rather than being open which would likely kill off any prospect of success.
Other concerns related to returning to peer groups and communities where they would take up their ‘old ways’ and end up back in prison. They also worried that ribbing from friends would lead them to react violently – especially once they were ‘back on the drink.’

At least one of the participants had other cases pending on release, so did not feel confident about pursuing any opportunities until their situation was clearer.

Suggestions for improvement

Asked what could make things better, one replied “a magic wand to change everything that had landed them in prison in the first place.”

More realistically, they focused on practical changes including:

- Teachers speaking to pupils with respect
- More variety and better support at school
- More money for work parties in prison
- A wider range of vocational opportunities in Polmont

6.8 Case study: Karen

Karen is now 25 and comes from Aberdeen. From the age of 8 she was sexually abused, and was raped at the age of 11. Despite pleas for help, both her family and social worker failed to take her concerns seriously. The perpetrator of crimes against Karen continued, and began to harass her at school. Despite this, she stayed on and attained 8 standard grades.

Eventually, court proceedings were taken against the person sexually abusing her, but this experience was very unpleasant for Karen, and led to a breach in her relationships with her family. From 14, she began to appear as a perpetrator of crime at both the Children’s Panel and court system. She left school and moved out of home at 16, and began to significantly abuse drugs.

Court appearances layered on each other and by the age of 17 Karen was branded a “prolific violent offender” by a judge. 7 remand and 11 sentences followed in the next few years which were served in 3 prisons across Scotland – these ranged from 2 months to 2 years duration. For Karen, the short sentences were “useless” and provided no support in addressing her offending behaviour. Mixing with adult women offenders in Cornton Vale was “horrendous”, and in this setting she developed a heroin addiction. Craiginches was a much better experience - with young offenders separated from adults, and generally more supportive staff.

Karen began to turn the corner linked to 2 key developments. Firstly, she applied for support from the addictions nurse in Cornton Vale – this began to sort out her drug problem. Then her criminal justice social worker referred her to the Venture Trust. Although initially suspicious, Karen began to relate to the style and support offered by staff “… they seemed to really believe in me, and so I began to believe in myself”. They supported her to address a whole range of issues in her life, in particular to leave her “old lifestyle” behind; for Karen at points this was a “lonely and scary” experience. It demanded that she develop life-skills – paying bills, managing rent and cooking, with a focus on being able to live independently.
Karen is now volunteering with the Princes Trust and Aberdeen Foyer, and is keen to move to paid employment soon. Ideally she wants to go to College and gain the relevant qualifications to become a community or youth justice worker.
7. CONCLUSIONS

7.1: Introduction

The Government often establishes a workstream around an issue where the problems are not well identified. In other cases it commissions a workstream to identify solutions where the problems are clear but where ways of tackling them need definition. It is highly unusual for Government to set up a workstream where the problems are largely understood but in addition many of the solutions are also widely recognised. However, this has been the peculiar experience of the workstream considering learning and skills for young people aged 16-18 in the justice system.

This begs an obvious question: why have these solutions not been fully implemented already? It also raises another related question: if we struggled to tackle this issue in the past, doesn’t the current financial climate make it even more difficult now?

These are significant questions, but we remain optimistic. At the start of this final section it is important to state that our workstream sees an opportunity for change. Two factors underpin this. The first is the Scottish Government’s tone around support and rehabilitation of young offenders. At a time when young people are widely demonised by the media, this willingness to offer young people another chance is important. This offer is conditional upon their making a commitment to behavioural change, but it is an offer nonetheless and one which acknowledges young people’s need for support.

The second is the establishment of a National Performance Framework. This has established priorities, aligned outcomes and provided a clear structure between local and central government. Through this mechanism local partners can assign resources to shared priorities identified in the SOA. This is a new landscape which provides an opportunity for partners to work more effectively on cross-cutting issues like this.

For although this work has confirmed many of the significant challenges relating to this agenda it has also unearthed a plethora of good things which can be taken forward to improve the lives of all our young people.

7.2: Conclusions

7.2.1 The Evidence base

Our workstream estimates that the number of 16-18s in the Scottish justice system per annum is in the region of 7,500, with close geographical correlation with the country’s most deprived communities.

However, we have encountered difficulty assembling baseline information pertaining to the learning outcomes of these young people. Although we have cited a post-school rate of positive progressions of 41%, against a national average of 87%, we place a strong health warning around this figure. It comes from the Insight database where a high proportion of the clients remained within the mainstream school system prior to the statutory school leaving age. However, there is strong anecdotal evidence – backed by limited data – indicating that a high proportion of those involved in the justice system have disengaged from school long before this point. It is therefore likely to be an overestimate of the progression rate.
The workstream concludes that we need a much more effective recording and tracking mechanism for the learning outcomes of young people engaged in the justice system.

7.2.2 The strategic and operational landscape

The National Performance Framework includes within its 15 outcomes clear connections to learning and skills for vulnerable young people. The most notable are:

- Our children have the best start in life and are ready to succeed
- We have improved the life chances for children, young people and families at risk
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- We live our lives safe from crime, disorder and danger

Beneath this, there is a clear alignment of related strategies which underline many of the core messages within this work. These include the need for early intervention, improved targeting and a commitment to use mainstream resources more effectively. All of the frameworks required to deliver a change agenda for younger offenders are in place and what is required now is that they do what they say and that they are held to account.

Another message from these strategies is the need for clear leadership. This is particularly important as the learning outcomes of these young people are everyone’s problem but at the same time no-one’s. This is evident from our review of the SOA documents where the issue of offender learning is under the radar in a way that is unhelpful.

This lack of visibility is a problem. It suggests that this matter is not key when in fact it touches upon a broad range of national and local priorities. Consequently, we see a need to identify specific leadership responsibility for young offender learning and skills. Clarifying this will be important, as the functions of this role will include:

- Championing the needs of vulnerable young people
- Ensuring that the strategic frameworks deliver
- Establishing and reviewing the evidence base

There is another unintended consequence of the Concordat which is pertinent to all of the workstreams considering offender learning. This relates to the financing of the voluntary and community sector.

Under the new working arrangements introduced by the Concordat, national ring-fenced budgets have gone. This has created significant problems for many of the leading voluntary sector organisations working in this field. They are now required to negotiate with up to 32 local authorities which has put great strain on their resources. There is also a trend amongst local authorities to look for savings from outsourced activities rather than reduce their own operations. As a result some high quality provision to this client group may be lost. We conclude that this is
not in the best interest of young people, particularly at a time when more – not less – high quality community-based provision will be required.

Another significant set of changes is taking place within the justice system itself. As we have seen, this is likely to see fewer 16 and 17 year olds in prison and those who are in custody held separately from older prisoners. These are welcome developments, as remaining in the community provides young people with a greater likelihood of accessing appropriate learning and skills provision, particularly when it can be integrated within a wider support package.

7.2.3 The home and community setting

There is abundant evidence that most 16-18s in the justice system have grown up in families with significant support needs. Several studies indicate that most are known to the Children’s Hearing system as vulnerable children before any patterns of offending behaviour emerge.

Our workstream has detected a shift towards tackling the root causes of these deprivation cycles rather than reacting to the symptoms. This is reflected at the national level in the Early Years strategy as well as in local examples like the work cited in West Glasgow. The focus, once again, is around improved targeting and early intervention with vulnerable families.

We conclude that this is a positive development which is likely to yield more sustained results than interventions aimed at young adults who prevent with multiple and complex support needs. The fact that the Glasgow work is being led by Health on behalf of a comprehensive partnership is also highly encouraging. Adopting such an ambitious and long term approach requires faith, strong leadership and commitment. Consequently, there will be great interest in the outcomes from this work and our view is that other areas should be encouraged to undertake long-term partnership models of this kind.

Such approaches are likely to benefit society’s most vulnerable children. This report confirms that two of the groups of children most likely to offend are those who are looked after and those whose parents are in prison. For looked after children, recent developments have been introduced to improve their prospects, including the announcement by Inverclyde Council to ring fence apprenticeship opportunities. These are early days, but again we conclude that much of the infrastructure required to support looked after children more effectively appears to be in place. This is not a statement of complacency, but rather an acknowledgment of the need to allow time and to tenaciously ensure that these new structures deliver.

We conclude that the children of prisoners are a much less visible group. The report shows that steps are required to identify and support them more effectively.

For many young men (and some young women) from deprived communities, gang membership is a precursor to offending behaviour. This is commonly associated with disengagement from learning and often occurs in the early years of secondary education. Research evidence and the workstream fieldwork suggest that these early teenage years form a point when risk of educational disengagement is increased.

The innovative anti-gang work being piloted in the East End of Glasgow provides an excellent model for tackling these issues. It shows the value of a co-ordinated partnership approach based upon shared intelligence and aligned resources.
Although yet to be fully evaluated, all of the feedback indicates that it is a highly effective operation.

We can see that the successes of this model are replicable in other areas where territorial attitudes blight the lives of young people and the communities in which they live.

7.2.4 At school

There is a strong evidence base showing that school is an unproductive experience for many young people who end up offending. The pattern which emerges from this study is one where mainstream schools struggle to work with many of these children. Consequently, although they may often remain on the school roll, they are not in school – either because they have been excluded or because they are truanting.

It is hugely damaging for these young people to be out of school, as research shows that school exclusion is a key predictor of future offending behaviour. In the words of one consultee:

"Out of school, on the street with no stability there are lots of danger magnets"

Our workstream report underlines the importance of schools improving the retention levels amongst these children. However, it also raises questions about their ability to provide them with a meaningful and relevant offer. As many of these children have disengaged before S3, the challenge of delivering CfE to them in the senior stage is clearly mapped out.

However, again there is evidence of good work – both within the mainstream and the Additional Support Needs sector. Common features of good practice are well-known and are set out in Section 4 of this report. We conclude that there is considerable scope to support schools and the teaching profession to work more effectively with young people presenting with challenging behaviours. Youth work and the voluntary and community sector can lead the way with this, together with staff experienced in delivering flexible learning approaches.

Throughout this report the value of informal learning for young offenders is a consistent message. The difficulty many young people from disadvantaged backgrounds face with formal structures comes through clearly in this work. Equally, the important role played by VCS organisations and CLD is evident in the case studies. The description of the approaches underpinning this effective work – set out in section 5 – shows that there is no secret formula for successfully supporting young people who have been in trouble. Moving forward, it will be important for this work to continue, and for other providers – most notably schools and colleges – to embed these approaches within their own provision.

There are clear messages here about partnership working, information sharing and the improved transfer of good practice. This is evident not only within Education, but between it and stakeholders from other parts of the delivery system. Social work staff, those working in justice and Children's Hearing Panel members are amongst those who we identify as requiring a better understanding of what works well for these young people in a learning setting. This report also underlines the need for learning professionals to gain a better grasp of the justice agenda. Consequently, we conclude that there is scope for improved joint CPD, which could draw lessons from some effective local approaches linking health, care and employability.
7.2.5 Post school learning and work

For a variety of reasons, many of these young people struggle to handle transitions well. The shift from primary to secondary is identified as a key milestone but arguably the transition point beyond secondary education is even more significant.

We note that at this stage there is no longer a compulsory element to learning and no equivalent infrastructure to school which – despite its limitations – provides a clear model for young people to engage with. We also recognise that at age 16 many of the support mechanisms around the most vulnerable youngsters can fall away. Given that age 16 also represents the boundary between youth and adult justice, the pitfalls for this client group are all too evident.

In terms of the offer, there are clear parallels here between CfE and 16+ Learning Choices. Our ability to deliver these will be tested most by this client group, particularly as there are high levels of cynicism and ignorance within other key support sectors about the post-sixteen pathway. As the OECD\textsuperscript{57} highlighted, this is not clearly mapped out for the lowest achieving young people, although developments like the NLOD\textsuperscript{58} will help these remain in development.

In the meantime, a number of other opportunities provide the prospect of an improved post-16 support offer for this group. As well as Activity Agreements, currently being piloted in 10 areas, changes to the justice system may help the alignment with learning. Most notably, this includes the possibility of embedding learning and skills provision within the new Community Payback Orders.

Our workstream identifies 3 categories of support options for young people aged 16-18 and draws upon existing evaluation evidence as well as the fieldwork to set out what works well. Again there is no shortage of examples and we refer to a wide range of effective providers in the voluntary sector including Kibble Works, Aberdeen Foyer and the Prince’s Trust.

However it is impossible to avoid returning to the poor rates of positive progressions and to conclude that there remains a significant job to do in order to provide all young people with an appropriate range of more choices and more chances.

One of the difficulties is that these young people are primarily interested in paid employment. Yet few have the skills to progress directly into the labour market without substantial prior support. In the current economic climate this is a particular challenge and it is likely to remain so for some time.

We conclude that the public sector can play an important role by identifying opportunities for those who are risk of offending. As care leavers are amongst these, the recent announcement by Inverclyde Council provides a model for others to follow.

7.2.6 In custody

This workstream report underlines the split between the learning offer available to 16-18s inside and outside prison. Currently, most of the males and all of the females in this age group have a much more limited offer than that available in

\textsuperscript{57} OECD: Quality and equity of Schooling in Scotland (2007)
\textsuperscript{58} National Learning Opportunities Database
the wider community. The fact that Polmont and Cornton Vale house a high proportion of these prisoners is part of the reason for this.

Looking ahead, our workstream has faced the challenge of considering an optimum learning and skills model for a prison estate whose future shape remains uncertain. We have noted the significant change agenda taking place within justice and the fact that many of the reforms offer significant improvement opportunities. The shift away from short-term sentencing towards community-based tariffs and the commitment to keeping 16 and 17 year old prisoners apart from the older population are amongst the most important of these.

Yet although these are in train, a degree of uncertainty remains around how they will unfold. A change in sentencing patterns is reliant on a shift in behaviour amongst sheriffs, who retain an independence from policy makers, so the phasing for this change is not certain. Equally, there is no guarantee that separate provision for under 18s will lead to improved services. For example, we have noted that the new Polmont learning space is widely perceived to have many disadvantages.

Beyond this, there is a wider debate about the role of national prisons and a commitment from Government to develop community-facing jails, as we have already noted. This may lead to all prisoners – regardless of age, gender or sentence length – being held in the one facility. Although some way off, this model is attractive for our target group, as it offers the prospect of stronger links into local services.

In the meantime we have a prison estate where all of the women and most young male offenders are held in de facto national institutions. Within this, it is clear that the current learning and skills arrangements for 16 and 17 year old prisoners are far from ideal. There is no distinctive provision which acknowledges these young people’s entitlements. The offer is limited depending on sentence length and type, and for the majority who are housed in Polmont, affected by overcrowding, poor building design and layout. Disconnected from their local learning and skills infrastructure, the current model inhibits the establishment of pathways which might actively support rehabilitation and community resettlement.

Given the high recidivism rates for young men a clear picture emerges of a revolving door between prison and the country’s most deprived communities. The young women prisoners in Cornton Vale share this disconnection from their local support networks. However, their learning and skills offer is even poorer than those available to their male peers. At present, it fails to reflect young women prisoners’ distinctive barriers, support needs and learning opportunities.

How can the learning and skills package for all 16 and 17 year olds in prison be improved? The Custody workstream have considered the current LSE commissioning model for all prisoners and presented four options for consideration. They conclude that “Many permutations are possible, both now and in future. Few look to have the merit of clarity and simplicity.”

A key question for us is whether prisoners under 18 are best served within any new LSE contractual model. This is not the case at present, where the relatively small numbers and short sentence lengths mean that their distinctive needs are barely reflected in the current contract.

In the short term at least, Polmont will retains its position as a national facility for young offenders. Although not ideal for younger prisoners, the introduction of
separate provision for 16 and 17 year olds, does provide an opportunity to improve the offer which for all young prisoners should include:

- A learning and skills assessment\textsuperscript{59}

- An agreed learning and skills action plan with identified goals

- Access to an appropriate range of learning opportunities

- An individualised plan of transition support pre-release

In the longer term we would hope that all 16 and 17 year olds will be accommodated in community facing establishments. There, the offer should reflect the package described above, but be negotiated and delivered through a partnership which includes the prison, the Community Justice Authority and the local MCMC partners.

**7.3: What does success look like?**

Throughout this report we have stressed the complexity of this work, which crosses the boundaries of several policy areas. Given that this is the case, we have tried to focus on a clear set of changes which for us would represent success on this agenda.

In order to anchor our Framework for Action\textsuperscript{60} we have set out 9 statements which describe a positive set of outcomes around learning and skills for young people in contact with the justice system. These are as follows:

1. There will be clearly defined leadership at the national and local levels relating to learning and skills for 16-18s in the justice system

2. Fewer 16-18 year olds will be in prison. Where they are in custody, they will be in community-facing models designed specifically for younger prisoners, with a clearly defined and integrated learning culture

3. All 16-18s in the justice system will be offered an appropriate learning opportunity whether in custody or in the community

4. There is a collective understanding of all resources invested in developing the learning and skills of 16-18s in the Justice system. Alongside this, there is a clear understanding of services purchased and the impacts derived from them

5. There will be a clear tracking system for the learning outcomes and progression routes of 16-18s in the justice system with designated responsibility for managing this

6. We will have established the precise rate of positive post-school progressions for 16-18s in the justice system and will have significantly

\textsuperscript{59} There is an opportunity for SPS to adopt the integrated assessment tool being developed through the Scottish Government. Doing this would promote consistency and facilitate information sharing between the various service providers

\textsuperscript{60} Attached as Appendix 6
closed the gap between this and the national average

7. Curriculum for Excellence will provide a coherent, more flexible and enriched curriculum for all children and young people firmly focused on their individual needs.

8. Children who are most likely to offend are provided with early intervention and targeted support within the school system

9. Everyone working with vulnerable young people will understand their responsibility to nurture their self-confidence and will be supported to fulfil this role
### APPENDIX 1: WORKSTREAM MEMBERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
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<td>Viv Boyle</td>
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<td>Paul Carberry</td>
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<td>Joe Connelly</td>
<td>Venture Trust Scotland</td>
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<td>John Davidson</td>
<td>Scottish Government Violence Reduction Unit</td>
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<tr>
<td>Sharanne Findlay</td>
<td>Scottish Prison Service</td>
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<tr>
<td>Christine Greig</td>
<td>Scottish Government More Choices More Chances</td>
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<td>Angela Morgan</td>
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<td>Elizabeth Morrison</td>
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<tr>
<td>Eddy Adams</td>
<td>Consultant</td>
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APPENDIX 2: WORKSTREAM PROCESS

This work was undertaken between December 2008 and July 2009. The overall process was overseen by an advisory group, chaired by Scottish Government, which has co-ordinated the activity of all three workstreams.

Our workstream group met four times and members provided continuous feedback and made an active contribution to the production of this report.

The approach involved the following elements:

- A desk review of relevant research and key policy developments which culminated in a literature and policy review, attached as Appendix 2
- A series of XX face to face interviews with key witnesses across Scotland with knowledge of younger offenders’ learning and skills issues
- A series of workshops held with staff working with young offenders from a wide range of organisations
- A series of focus groups held with groups of young people with experience as service users
- Joint discussion sessions held in tandem with the other two workstreams in order to engage with a group of employers, Scotland’s colleges and academics working in this field
- A joint ‘visioning’ session held with members of all three workstreams as well as Advisory Group participants
- Analysis and reporting
APPENDIX 3: STUDY CONSULTEES

Linda Borland – Strathclyde Police, Violence Reduction Unit
Mhairi Brackenridge, Criminal Justice Service, South Lanarkshire Council
Joy Codona – SDS, Lanarkshire
Martin Collins – MCMC Co-ordinator, South Lanarkshire
Sheriff Dickson – Airdrie Youth Court
Tony Fitzpatrick – KANDO
Iain Gault – Children’s Reporter Service, North Lanarkshire
Marie Gray – APEX, Bellshill
Joe Hamilton – Children’s Reporter Service, North Lanarkshire
Sue Holden – Scottish Government secondee
Jim Hunter – Community Justice Co-ordinator, North and South Strathclyde
Vincent Jack – Headteacher, Willowbank School, North Lanarkshire
David Jones – Children’s Reporter Service, South Lanarkshire
Anne Marie Kelly-Wilson – Social Work service, Airdrie Youth Court
Jim Moffat – Social Work service, Airdrie Youth Court
Bernadette Monaghan – APEX
John Morley – Headteacher, Fallside School, North Lanarkshire
Jean Morrison – St Maurice’s High School, Cumbernauld
Jim Mullan – Kibble Works
David McAllister – HMIP
Marion McAllister – Youth Justice Co-ordinator, South Lanarkshire Council
Iain McCaulay – Youth Justice, North Lanarkshire Council
Henry McCluskey – SDS, Lanarkshire
Gordon McKenzie – ACPOS/Central Scotland Police
Peter McKinnon – Community Alternatives, North Lanarkshire
Andrew McLennan – HMIP
Fergus McNeill – Glasgow University
Tony McNulty – Community Justice Co-ordinator, Lanarkshire
Erica Nicholls – SPS
Hugh Page – St Maurice’s High School, Cumbernauld
Lynn Ross – Scottish Government secondee
Kirsten Sams – Motherwell College
Aaron Singh – Criminal Justice Service, South Lanarkshire Council
Jackie Tombs – Glasgow Caledonian University
Gary Waddell – SPS
Bill Whyte – CISWRC Edinburgh
Anna Fowlie – Scottish Government, Looked After Children
Ken Milroy – Aberdeen Foyer
Peter Connelly – HMIE
Karen Corbett – HMIE
Kate Hannah – HMIE
Christine Scullion – The Robertson Trust
Dharmendra Kanani – Big Lottery Scotland
Ilona Richards – Scottish Throughcare and Aftercare Forum
Nancy Loucks – Families Outside
Jim Pennington – SDS
Andrew Muirhead – Inspiring Scotland
Helen Chambers – Inspiring Scotland
Paul Carberry – Action for Children
Paul Scally – Action for Children
Mary McEhill – Aberdeenshire Council
Anne Simpson – Aberdeenshire Council
Philip English – Northern CJA
Tom McGhee – Spark of Genius
Eddie McCaffrey – Spark of Genius
Jimmy Kirkland – Strathclyde Violence Reduction Unit
Anne Fehilly – Glasgow Community Safety Services
Linda Robb – Leader Glasgow Youth Justice team
Rachel Sunderland – Scottish Government Education
Mhairi Gilfillan – Scottish Government Learning Connections
Jim Sweeney – Youthlink Scotland
Mike Ewart – SPS
Sian Fiddimore – Access to Industry
Matt Forde – Glasgow West CHCP
John Kane and Maureen Baird – Glasgow City Council Education
Roy McCrae, Anne Larkin and Alexis Grant – Eastbank Academy, Glasgow
Richie Cameron – The Pacific Institute
Nina Viswani – Glasgow Youth Justice team
Raymund McQuillan – Glasgow City Council Social Work
Jeff Parker – St Mungos Academy
John McGhee – Glasgow Interrupted Learning Centre
Hugh McNaughton – Glasgow Children’s Panel
Joe Connelly – Venture Trust Scotland
James Renicks – Routes out of Prison (Wise Group)
Jim Chalmers and Ruth Facchini – Motherwell College
Ian Graham, Craig Green and Alan Inglis – John Wheatley College
Harry Campbell and Andy Dukes – Strathclyde Violence Reduction Unit
Angela Morgan – Includem
Sandy Cunningham – Good Shepherd School
Appendix 4: Number of 16-18s with a charge proved by local authority 2004-07

Number of persons

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<th>Region</th>
<th>2004/05</th>
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Appendix 5

YOUNG OFFENDER LEARNING
AND SKILLS

A REVIEW OF POLICY AND PRACTICE
## CONTENTS

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1. INTRODUCTION AND METHODOLOGY

This paper forms part of the work of the Scottish Government Young Offender Learning and Skills Workstream. It provides an overview of the principal Scottish and UK policy developments relating to young offenders and presents some key evidence around “what works” in terms of how effective learning and skills interventions reduce offending and re-offending by young people.

The evidence is drawn from an internet based search of relevant literature and is structured around two main elements:

- The policy context: principal Scottish and UK policy developments relating to young offenders and the key points relating to young offender learning and skills, and
- Recent research evidence relevant to young offender learning and skills

Methodology

The literature search began with an internet based search of relevant publications relating to young offenders, including: published research; journal articles; books; conference proceedings; policy documents; and strategies. It also included a search of relevant UK based government and non-government organisations web-sites. Additionally, further relevant documentation referenced within reports and web-sites was reviewed.

All information gathered during the first phase of the review was assessed in terms of its relevance for inclusion in the report. Parameters for inclusion related to the “currency” of documentation (those most up to date being of higher relevance), and the level of “fit” with young offender learning and skills. Of greatest relevance to the review were those documents which presented clear evidence of the effectiveness of learning and skills interventions in reducing offending and re-offending in young people aged 18 and under.

2. THE POLICY CONTEXT – SCOTLAND

Key developments in Scotland relating to young offenders bridge a number of significant policy agendas to have emerged in recent years, many of which recognise and focus on the significant contribution that learning and the development of skills can make to improving a young person’s chances in life.

At the heart of these, Curriculum for Excellence, first published in 2004, set the scene for a number of related and forthcoming policy developments which aimed to ensure that opportunities for learning were promoted and available for all children and young people, at all stages of the curriculum and during the crucial post-school transition stage. It provided a framework for curriculum reform, to improve the learning, attainment and achievement of children and young people aged 3-18. CfE is based on the concept that all children and young people have an entitlement to a curriculum which will support and enable them to develop four key capacities:

61 These included Scottish Government departments; the Criminal Justice Social Work Development Centre for Scotland; DfES; the Audit Commission; HM Inspectorate of Prisons; NCH Scotland; the Youth Justice Board for England and Wales; the Social Exclusion Unit; the National Offender Management Service; the Learning and Skills Network; the Learning Skills Council; NACRO; APEX; Barnardos; the Wise Group; and any other relevant agency or organisation.

62 The latter was particularly important; without the application of this criteria the process could have developed into an unwieldy and over extensive review of all literature on youth offending.
To be responsible citizens
To be effective contributors
To be successful learners, and
To be confident individuals

Building on Curriculum for Excellence, Progress and Proposals - Curriculum 3 was published in 2008, and provides a more detailed framework for learning and teaching to help schools and other learning establishments plan all levels of the curriculum to ensure that the needs of children and young people are met at every stage. It recognises that partnership working will be crucial to making this happen effectively. It will involve “...pre-school centres and schools working in learning partnerships with colleges, universities, employers, partner agencies, youth work and the voluntary sector to provide a coherent package of learning and support based around the individual learner and in the context of local needs and circumstances”.

A key aim of Curriculum 3 is to support young people in moving into positive and sustained destinations beyond school. Much of the focus in the senior phase of school (or college) is to provide young people with the skills to progress into adult life, and the opportunities to continue their learning in whatever their future pathways are. The curriculum is required to be broad and flexible enough to respond to the different needs of young people, with opportunities to integrate learning and develop literacy and numeracy skills through participation in less academically focused subjects and programmes such as ASDAN and other initiatives.

In aiming to ensure a smooth transition from school, Curriculum for Excellence is the central element in a package of policies which, by trying to equip young people with the appropriate skills for life and skills for work, will help them fulfil their potential, and equally help prevent the potential for them to disengage from lifelong learning and working. Young people who leave school with poor educational attainment and no progression pathway are more at risk of offending at this key transition phase.

Aligned to this, More Choices, More Chances (MCMC), focuses specifically on young people who are identified as in need of “more choices, more chances”. It is a strategy to address the number of young people aged 16-19 who are not engaging in any form of education, training or employment after leaving school. It was published in 2006, alongside Workforce Plus, the Employability Framework for Scotland. Both strategies are designed to provide support and opportunities for people furthest from the labour market. They demand co-ordinated partnership based action at both local and national levels.

MCMC looks at the characteristics and circumstances of those young people most likely to be NEET, or at risk of becoming NEET, and highlights the fact that the two main factors relating to NEET are disadvantage and educational disaffection, often linked with a series of additional circumstances and barriers. “At risk” groups include care-leavers, young offenders, persistent truants, low attainers and young parents.

Like Curriculum for Excellence, MCMC seeks: to improve the educational experience of all children; to transform learning experiences to ensure they meet individual needs and enable every child regardless of their personal circumstances; to develop their potential; and to prepare them for their chosen career path on leaving school. Within this, it recognises the importance of developing employability to better prepare all young people for the world of work and improve school leaver destinations.
Similarly, **16+ Learning Choices** develops planning for the senior phase of Curriculum for Excellence, with a particular focus on improving outcomes for those young people who do not stay in school beyond S4. Three critical elements are outlined: firstly, that young people have access to the right type of learning according to their individual needs – whether at school, in college, in a national training programme, or in the community; secondly, that they receive the right information, advice, guidance and ongoing support; and thirdly, that financial support is available to enable them to continue learning beyond the age of 16. Encouraging young people to stay in learning after compulsory schooling, again contributes to the wider agenda of achieving longer term positive outcomes for young people.

16+ Learning Choices was introduced for the Christmas school leaver cohort in December 2008 by 20 “early implementer” local partnerships. It is intended to be rolled out across all of Scotland’s schools by December 2010.

Learning outwith and beyond the traditional school environment has been a key theme in policy development in Scotland. **Life Through Learning; Learning Through Life**, published in 2003 aimed to improve the skills base and employability of the people of Scotland by promoting opportunities to learn in a range of different ways and environments, whether in the workplace, the community or formal education settings such as colleges or higher education institutions. **Working and learning together to build stronger communities** more recently provides guidance for Community Planning Partnerships to promote and develop community learning and development (CLD). One of the national priorities for CLD is “Achievement through learning for young people” by engaging with young people to “facilitate their personal, social and educational development and enable them to gain a voice, influence and a place in society”. CLD aims to help people tackle issues in their lives by increasing levels of confidence and motivation and improving core skills.

Recognising that some young people face additional barriers, a number of policy developments focus on the support required by particular groups of young people. **Moving Forward: Additional Support for Learning**, underlines the need for the education system to support all learners in a way that is “inclusive, welcomes diversity and provides an equal opportunity for all children to develop their personality, skills and abilities to their fullest potential”. It addresses the fact that there are circumstances where some pupils may require additional support to learn at one point or another during their school career, and establishes a framework to encompass all children who face barriers to accessing and progressing in learning. Moving Forward also identifies the transition to post-school provision as a key stage, and highlights the need for schools to provide the appropriate support to ensure pupils move onto a positive destination.

**Looked After Children and Young People: We Can and Must Do Better** sets out a series of targeted actions to improve outcomes for looked after children and young people. It reinforces the importance of the “corporate parent” and the responsibility of all relevant agencies and individuals to work in partnership to ensure that looked after children and young people have the same opportunities as others to develop their full potential. It highlights the increased likelihood of looked after children becoming offenders and the need to address the factors - including educational disengagement - which will contribute to this.

Underpinning the approach which puts the needs of all children and young people at the centre, is **Getting it Right for Every Child (GIRFEC)**. GIRFEC is the national programme which threads through all policy, practice, and legislation
affecting children, young people and families, and driving a common, co-
ordinated approach across to support the delivery of “appropriate, proportionate
and timely help to all children as they need it”. It requires practitioners in all
agencies working together to develop a “Getting it Right” approach which reflects
local needs and circumstances and is adaptable to the needs of every child, young
person and family.

The GIRFEC approach originally started with the **Phase 1 Review of the
Children’s Hearing System** in 2004, which called for a more child-centred
system with heightened focus on the child’s needs and effective outcomes. It
recognised the need for better collaboration and a more integrated approach
across all agencies, and the reduction of institutional, cultural and procedural
barriers to joint working. A number of documents and stages followed the phase
1 Review, including the **Implementation Plan in 2006**, which set out a
programme of practice change and legislation in support of the Getting it Right
principles. Five area based “Pathfinders” (one regional and 4 Domestic Abuse
thematic pathfinders) were launched in 2006 to pilot the approach and inform
future national guidance. The **draft Children’s Services (Scotland) Bill** was
issued for consultation in December 2006 to support the GIRFEC programme and
provided more detail on the reforms taking place.

A key practice change driven by GIRFEC has been the move to introduce a single
assessment record and plan for all children who need one, to be used by
practitioners in all key agencies. The draft Children’s Services (Scotland) Bill
proposed that in time these arrangements will incorporate the current
arrangements for child protection, looked after children, joint assessment,
community care, schools and social work, youth offending and any other inter-
agency arrangements. The Bill announced that every child or young person who
go to a Children’s Hearing should have a plan by December 2007.

Whilst these policies, amongst others, provide a context for much of the work
which relates to the needs of vulnerable young people who offend or might be at
risk of offending, **Skills for Scotland**, the government’s lifelong skills strategy,
was the first to provide a specific commitment to the creation of an Offender
Learning Strategy. Skills for Scotland was published in 2007 and sets out
objectives for a learning system which reinforces the aims of Curriculum for
Excellence to enable people to become “successful learners, confident individuals,
responsible citizens and effective contributors”. The strategy promotes equal
access to and participation in, skills and learning for everyone, including those
faced with disadvantage, and highlights the need to focus attention on young
people in special circumstances, including those with learning difficulties and
those in the youth justice system. Recognising that the transition from school to
adulthood is a difficult one, it makes a commitment to provide clear pathways and
opportunities for young people to engage and re-engage in learning at various
points along the route. Linked to this, it critically identified that all partners and
providers, including schools, colleges, community organisations, training
providers and prisons should be viewed as part of the same learning system.

Skills for Scotland promised to deliver effective integrated offender learning, skills
and employability provision and contained a commitment to establish a
representative group to “identify how best to deliver effective integrated learning,
skills and employability provision for young people and adults who are in or
leaving the justice system with a view to producing an offender learning and skills
strategy”.

The overarching aim of Skills for Scotland and other related policy agendas is to
contribute to the conditions which will enable sustainable economic growth in
Scotland. Again, this is articulated in the **Government Economic Strategy**,
published in 2007 which identified five strategic priorities critical to economic growth. Of particular relevance to the offender learning context, “Learning, Skills and Wellbeing” is one of these five priorities. This links the importance and impact of investment in learning and skills to greater levels of employability, productivity and overall business growth. Key approaches and policies outlined in the economic strategy include a number of actions which provide further context for the development of learning and skills amongst vulnerable young people, and again highlight the importance of managing more effectively the transition stages in young people’s lives.

In providing further commitment to the development of learning and skills, a number of national outcomes and indicators within the *Concordat* between the Scottish Government and local government underpin this strategic priority. The establishment of a national performance framework and the move to Single Outcome Agreements (SOAs) now require councils and key partner agencies in Scotland to report on progress and achievements towards these outcomes and targets.

These and more policies all provide strategic background for much of the work that has been developed in Scotland around improving learning outcomes for young people, including those who are vulnerable, furthest from the labour market, and at risk of, or currently offending. Taking the particular theme of youth offending forward, *Preventing Offending by Young People: A Framework for Action* was published in June 2008. This sets out a “shared direction” for driving forward work to tackle offending by young people. It focuses on five key areas of work: prevention; early and effective intervention; managing high risk; victims and community confidence, and planning and performance improvement. Firmly set within the context of the Economic Strategy and Concordat, it makes the case that tackling offending by young people contributes to all five strategic objectives and many of the national outcome and local indicators within the SOAs. It is particularly relevant to four of the 15 national outcomes:

- Our children have the best start in life and are ready to succeed
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens
- We have improved life chances for children, young people and families at risk
- We live our lives safe from crime, disorder and danger

The Framework for Action reflects on both the shortfalls and areas of progress in relation to services for young offenders, outlined in the August 2007 Audit Scotland report, *Dealing with Offending by Young People: Performance update*. This assessed the progress made by the Scottish Executive, local authorities and other agencies in implementing effective youth justice services, and reported that whilst good progress had been made in certain areas, a number of significant challenges remained. These include the continued need to achieve sustained reductions in offending behaviour and to reduce the number of persistent young offenders.

Similarly, the October 2006 *Report of the Youth Justice Improvement Group*, highlighted a number of areas for improvement, including the need to identify and take early action for children at risk of offending; ensure the right support, programmes and monitoring and information exchange systems are in place for those young people in transition between the children’s and adult systems; and to identify what needs to be in place to prevent young people offending and coming into the youth justice system, including services that focus on educational concerns.
Building on the messages from these reports, and linking to the wider government strategic agendas as outlined above, the current Framework for Action sets out a series of key actions, including:

- Expanding positive opportunities for young people
- Supporting parental and child responsibility
- Establishing effective information sharing systems
- Improving the range, quality and effectiveness of residential services for young people
- Developing evidence based interventions for offending linked to drug misuse
- Promoting positive relationships and behaviour in schools ensure the relevant inspections reflect these objectives

The Framework is now the key agenda for how agencies will work together to reduce offending and re-offending among young people in Scotland. This has been developed during a time of significant change within the wider criminal justice policy arena, led by a number of important national policy drivers, key amongst which was the Management of Offenders etc (Scotland) Act in 2005. This heralded the creation of the Community Justice Authorities as the strategic planning and monitoring authorities for the provision of community justice services. CJA's became fully operational from April 2007, and include within their remit the management of and delivery of services to young offenders over the age of 16.

Another important element in the overhaul of the criminal justice system in Scotland was the introduction of the first national offender management strategy in May 2006. Reducing Reoffending: National Strategy for the Management of Offenders, sets out a common direction for the work of the Community Justice Authorities, Criminal Justice Social Work, and the Scottish Prison Service - in partnership with a host of other related agencies and sectors. A key premise of the strategy is that reducing re-offending will only be achieved by involving bodies responsible for housing, health, benefits, and education, training and employment, and by providing offenders with access to their services. The national strategy covers all those in the criminal justice system including those coming into the adult system from the youth justice system.

More recently, Scotland’s Choice, the Report of the Scottish Prison Commission, or “McLeish Report” (July 2008), recommended a series of radical actions to reduce the levels of imprisonment in Scotland through the development of more effective community based sentencing. This, it was argued, would bring about a reduction in reconviction rates. In relation to young offenders, although not fully within the scope of the review, the McLeish report noted concerns around the transition of young offenders from the Children’s Hearing System to the adult criminal justice system, characterised by a sudden move from helping them to develop and change to a greater focus on punishment within the adult system.

Protecting Scotland’s Communities: Fair, Fast and Flexible Justice is the Government’s response to the McLeish report, published in December 2008. It takes forward a number of commitments to reducing the flow of young people into the criminal justice system, including the delivery of actions outlined in the Framework for Action, strengthening the sharing of information and joint working across the transition from the Children’s Hearing System into adult services and/or the criminal justice system, and ensuring that the needs of young people
are met and their risks effectively managed, with a focus on preventing re-offending, whichever system they are in.

Government action to legislate on Fair, Fast and Flexible Justice is now contained within the recently published **Criminal Justice and Licensing (Scotland) Bill**.

**Conclusions on the Scottish policy context**

The immediate and obvious conclusion of the above policy review is the sense of a busy and fast moving context which the forthcoming Offender Learning Strategy must understand, connect to, and add value. This is an undoubted challenge, with the key policies originating from a range of different policy domains.

But the context also suggests a period of very significant opportunity. It highlights a series of consistent learning related themes which - whilst originating from different starting points and often rooted in varying terminologies - provide a perhaps unparalleled window to truly join up the collective service offer.

Common aspirations include: the importance of understanding a learning “journey” and the need to address the potential factors which disconnect this; the critical issue of “ownership” of the challenges translated in practical terms to the need for key or link workers; the need for meaningful partnerships between a wide range of stakeholders; the need to include particularly disadvantaged groups who too often fail to benefit from the mainstream service offer; and the need for greater flexibility and imagination in seeking solutions for these groups.

From a specifically offending perspective they also all – in different ways – recognise that the best solutions normally include engaging and supporting as many people as possible within responsive, effective, and mainstream community settings.

**3. THE POLICY CONTEXT – ENGLAND AND WALES**

In England and Wales, **Every Child Matters** is the key strategy which underpins the Westminster Government’s approach to delivering services to children and young people. It is described as a shared national programme of change to improve outcomes for all children and young people. It is founded on the principle that every child and young person (aged 0-19 years of age), whatever their background or circumstances, should have the support they need “…to be healthy, stay safe, enjoy and achieve, make a positive contribution, and achieve economic wellbeing”. All organisations and services involved with providing services to children and young people are required work together to protect and support children and are evaluated against these five outcomes.

Closely linked to Every Child Matters, **Youth Matters** outlines a strategy to improve services for teenagers. Within this, it focuses on supporting the most socially excluded young people, including those who may at risk of offending.

Youth Matters recognises that “services for teenagers need to expand opportunities for all young people while helping to tackle the range and complexity of problems faced by the minority who are at risk”. We need to provide the right mix of challenge and support to young people who are involved in anti-social behaviour and crime”.

Many government policies connect to Every Child Matters and a number of developments in recent years specifically focus on youth offending. Key amongst these has been the Green Paper **Reducing Re-Offending through Skills and Employment**, published in 2005, and the **Next Steps** document in 2006, which followed consultation on the Green Paper and outlined the government’s commitment to improving education for young people in the youth justice system.
A key development took place in England in July 2006, when the Learning and Skills Council assumed responsibility for offender learning and skills in England. The **Offender Learning and Skills Service (OLASS)** was established to address the learning needs of offenders, based on the principle that ensuring offenders have the underpinning skills for life (literacy, language, numeracy and basic IT skills), and have developed work skills, will enable them to meet the real needs of employers in the area where they live or will settle after their sentence is complete.

Offender learning is a key component of the **Skills and Employment pathway**, one of seven identified pathways in the National Reducing Re-offending Delivery Plan. Other pathways cover: accommodation; drugs and alcohol; health; children and families; finance benefit and debt; and attitudes, thinking and behaviour. Most offenders will have issues to be addressed across a range of these pathways – and solving one set of problems is likely to be less effective unless the range of issues affecting their particular re-offending behaviour is addressed.

The rollout of OLASS across England was underpinned by the “end-to-end” learning service provided to offenders. This is set out in the 2 versions of the **The Offender’s Learning Journey** - one based around the needs of adult offenders and one for offenders under the age of 18. Each of these provides a detailed specification of the elements the learning provider is expected to deliver, personalised to the individual’s needs.

In 2007 the Department for Education and Skills (now Department for Children, Schools and Families), together with the Ministry of Justice, the Youth Justice Board for England and Wales, and the Learning and Skills Council, published a series of consultation papers to consider the key issues affecting education for young offenders. **Education for Young People supervised by the Youth Justice System** presented four “issue papers” which discussed: “Ensuring Participation”; “Delivering a relevant curriculum”; “Workforce development”, and “Clarifying accountability”.

Further consultation on education and training for young people in custody took place within the context of the wider reforms for mainstream 16-18 education funding and commissioning set out in the White Paper: **Raising Expectations: Enabling the System to deliver**. This then led to the publication of the **Youth Crime Action Plan** in 2008, which announced plans to improve education and training for young offenders by placing duties on local authorities to plan and commission education in juvenile custody, bringing young offenders in custody under the education legislative regime. The Youth Crime Action Plan also set out wider commitments to improve education and training for young offenders, including to:

- Develop new performance management arrangements which place a greater focus on progression and achievement
- Consider how we best meet young offenders special educational needs
- Develop a national delivery framework for education and training in custody, with requirements for local agreements between partners
- Develop guidance for local authorities and partners setting out the requirements for the education of young offenders in custody and the community
- Develop and implement a quality improvement strategy
- Consult on a more comprehensive package of support for children leaving custody, including pathway plans for young people linked to Personal Education Plans.

Whilst the youth justice system in England and Wales is overseen by the Youth Justice Board (YJB) and local level work co-ordinated by a series of Youth Offending Teams (YOTs), the education of young offenders is a devolved responsibility in Wales. Consequently, those elements of the Youth Crime Action which deal with education only apply in England. Other than Every Child/Youth Matters, the main policy driver in Wales has been the All Wales Youth Offending Strategy, published in 2004. This strategy requires children and young people who offend to have an Individual Learning Plan (ILP), outlining their education, training and employment requirements. Guidance published by the Welsh Assembly in 2006, entitled Inclusion and Pupil Support, identifies children and young people who offend as one of the main groups which require special attention within the development of a supportive and inclusive approach for children and young people with additional learning needs.

Meeting the Learning Needs of Children and Young People who Offend, published in June 2008, and commissioned by the Welsh Assembly Government looked in detail at the arrangements within Wales, and made a number of recommendations to better meet the needs of these children and young people.

4. OFFENDING AND THE LINKS TO LEARNING

The above range of policies in Scotland and the UK which have developed to support the learning needs of offenders, respond to a considerable body of evidence which places educational disadvantage as a key risk factor in the likelihood of a young person offending. Similarly, improving the opportunities to access effective learning and skills development is seen as one of the key routes out of offending.

While it is not the subject of this paper to explore in depth the already known links between offending in young people and education and learning, it is important to remind ourselves why this factor underpins much of the work in this field. This underlines the importance of early intervention at the pre-school leaving age in addressing future offending patterns among young people.

Education and school experience

In introducing a significant piece of research on youth offending, the Chair of the Youth Justice Board said that “effective crime prevention has arguably more to do with education than sentencing policy”. Low educational attainment, truancy and exclusion, poor literacy and numeracy and poor relationships with teachers and disaffection with the general school establishment, have all been identified as factors which contribute to a young person’s propensity to offend.

There is much statistical evidence to support this correlation. Key facts include:

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63 Young People and Offending: Education, Youth Justice and Social Inclusion, Martin Stephenson, 2007
64 Communities that Care, Risk and Protective Factors, Youth Justice Board 2005; Make Me a Criminal, Preventing Youth Crime, Julia Margo and Alex Stevens, 2008; Reducing Re-offending by Ex-prisoners, Social Exclusion Unit 2002; The Role of Education in Enhancing Life Chances and Preventing Offending, Home Office 2004; Targeted Youth Support: Rapid Evidence Assessment of Effective Early Interventions for Youth at Risk of Future Poor Outcomes, EPPI Centre Report no 1615, 2008
- half of all offenders (in England) have literacy and numeracy levels that are lower than the average 11 year old.\(^{65}\)

- over half of young people on a Detention and Training Order (DTO) – average age 17 - have literacy and numeracy levels below that expected of an 11-year-old.\(^{66}\)

- a Mori youth study\(^ {67}\) found that excluded young people commit twice as many crimes as their peers in mainstream education.

- a research report on literacy and numeracy of disaffected young people in custody and the community\(^ {68}\) found that a significant proportion of these young people had a very negative experience of school, with 90% reporting that they had been absent from school at least once a week; 67% had left school with no qualifications (or none that they could remember).

- an SPS Occasional Paper on Young People in Custody highlights that 76.2% of all young people in custody in Scotland had a history of regular truancy.\(^ {69}\)

**Other risk factors**

As demonstrated above, educational disadvantage is closely aligned with offending behaviour, but often this is in conjunction with a range of other factors which are present in a young person’s life and which increase the likelihood of criminal or anti-social behaviour. At risk groups of young people often have multiple and overlapping circumstances and characteristics which increase this propensity, and often in parallel with an absence of “protector factors” which can help guard against criminal behaviour. A great many studies have examined both risk and protective factors in young people\(^ {70}\). Risk factors generally are grouped into the following categories:

- Family – a previous history of offending; poor parental supervision and discipline; disadvantage and poor housing; and the experience of being in care

- School – low achievement; lack of commitment; truancy and exclusions and aggressive behaviour; including bullying

- Community – availability of drugs; living in disadvantaged neighbourhoods; neglect; and a lack of amenities/leisure facilities

- Individual and peer group – alienation and lack of social commitment; cognitive function and mental health issues; attitudes to problem behaviour and friends involved in problem behaviour; ethnicity, gender and age

Conversely, protective factors are thought to feature:

- Social bonding – strong bonds with family, friends and teachers

- Healthy standards – set by parents, within the school, and prevailing across the community

- Opportunities for involvement – in families, schools and the community

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\(^{65}\) Offenders Learning and Skills Briefing, 2006

\(^{66}\) Youth Justice Board

\(^{67}\) MORI Youth Survey 2004, cited in Barriers to Engagement in Education, Training and Employment, Youth Justice Board 2006

\(^{68}\) Improving the Literacy and Numeracy of Disaffected Young People in Custody and the Community, National Research and Development Centre for Adult Literacy and Numeracy 2005

\(^{69}\) Cited in the submission of Youthlink Scotland to the Education Committee’s Pupil Motivation Inquiry, 2005

\(^{70}\) Risk and Protective Factors, Youth Justice Board, 2005; Make me a Criminal, Preventing Youth Crime, Margo and Stevens, 2008; Barriers to Engagement, Youth Justice Board, 2006; Effective Early Interventions for Youth at Risk of Future Poor Outcomes, DCFS/EPPI Centre Report, 2008, Youth Crime Briefing, Some Facts about Children and Young People who Offend, NACRO, 2008
Social and learning skills to enable participation
- Recognition and praise for positive behaviour

Evidence also shows that disadvantages for young adults “cluster”\(^71\) with the likelihood of a young person having more than one disadvantage increased with the presence of any particular risk factor. A Princes Trust Report\(^72\) which looked at disadvantages among young people characterised by educational under-achievement, unemployment, criminal convictions, and time spent in care found that 62% of the young people consulted had more than one disadvantage, and 5% had all four.

Looked after children and young people in care have in particular been an increasing focus of the youth justice agenda in Scotland and the UK. In response to research in Scotland on persistent offenders which amongst other findings, highlighted that 21% of persistent offenders were in residential care, Who Cares Scotland was commissioned by the Scottish Executive to consult young people living in residential care about persistent offending in order to add to overall understanding of this issue. Their recently published report\(^73\) states that the main reasons for, and influences on, starting offending for these young people were peer pressure, being under the influence of alcohol or drugs, for enjoyment/something to do, and in retaliation (following provocation, in their view, either by the police or another person).

5. OFFENDER LEARNING AND SKILLS INTERVENTIONS – WHAT WORKS?

A. Scotland

Although a great deal of literature exists in relation to youth offending and learning there is limited hard and published evidence on the effectiveness of specific interventions to reduce re-offending among young offenders\(^74\). This is partly because of the methodological difficulties associated with attributing a reduction in re-offending to a particular intervention, and further requires ongoing longitudinal tracking of participants to determine if and when re-offending occurs. This apparent lack of published materials significantly detracts from our ability to robustly identify “what works?”

There are however a number of studies and evaluations which provide some valuable insight into work that has been undertaken with offenders or young people at risk of offending. We have included those which have detailed some practical learning points around offender learning and skills.

**Within custody or secure accommodation** a number of recent reports highlight examples of best practice and raise some concerns around the provision of education, training and employment provision in Scottish prisons and young offender institutions.

The most recent formal HMIP inspection for the Polmont YOI\(^75\) was published in 2007. The section of the report on learning skills and employability highlighted a number of positive aspects of existing provision: committed staff; proactive work to sell education and learning in the halls; attractive accommodation (though this

\(^71\) Transitions: Young Adults with Complex Needs, A Social Exclusion Report, ODPM 2005
\(^72\) Reaching the Hardest to Reach, Princes Trust 2004
\(^73\) Nothing Convinced Me To Stop, Who Cares Scotland, 2008
\(^74\) Education, Training and Employment Source Document, Youth Justice Board 2008
\(^75\) Polmont YOI, HM Inspectorate of Prisons, 2007
has now changed); positive prisoner feedback in terms of increasing confidence and self esteem; the use of peer literacy tutors; and some level of literacy and numeracy assessment through use of the “alerting tool”.

A number of concerns and weaknesses were also identified within the 2007 Polmont offer. Central to these were: poor linkages between all the staff involved in LSE activity; limited tracking of prisoner learning journeys on release or transfer within the estate; missed opportunities to contextualise learning within vocational training and PE; and a lack staff self evaluation processes. Perhaps the most significant conclusion was the sense there was “…no coherent strategic vision for LSE”.

More recently HMIP has produced a report on young offenders in adult establishments. This examined, amongst other things, the provision of education, work opportunities, addictions, and the preparation for release for young male offenders under the age of 21 held in Friarton Hall (Perth prison) and Darroch Hall (Greenock prison), and for young female offenders held in Cornton Vale (mainly in Bruce House).

In both Friarton and Greenock the review of LSE activity was very positive. In Friarton particular highlights included: high participation rates by young offenders; imaginative work by a “reader in residence”; payment of a £2 bonus per completed SQA module; good staff-prisoner relationships; and strong external links with local authority services. In Greenock strengths included: shorter (1.5 hour) education sessions; certification; an imaginative range of evening classes; good staff-prisoner relationships; and use of a regularly reviewed learning log and plan.

Within a generally more critical report on the conditions for young women prisoners in Cornton Vale, LSE services are again recognised as having a number of positive features: a good range of formal and informal learning opportunities; a good library facility; individualised learning plans; good staff-prisoner relations; and use of a “reader in residence” to assist literacy supports. Less positively, the report notes limited physical capacity for learning, and the lack of separate provision for young offenders.

A recent review of good practice in Scottish prisons echoed some of the good practice identified above. This covered LSE practice for offenders of all ages, but particularly highlighted some youth focused work including the reader in residence work at Cornton Vale, and a Young Enterprise and an Independent Living project at Polmont.

In December 2008, Who Cares Scotland reported on a government funded project which ran from 2003 to 2008 designed to achieve better outcomes for young people in secure accommodation. The main aim of the project was to engage and build relationships with young people in secure care, raising their self esteem through participation. It also consulted young people on a range of issues and delivered a dedicated advocacy service. Amongst a range of issues, the project consulted young people on the behavioural and learning programmes and schooling they received in secure care. In terms of schooling, the report notes that around two thirds of the young people consulted described the education they had received in secure care as good or very good, whereas nearly a third felt it was not very good or poor.

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76 Report on Young Offenders in Adult Establishments, HM Inspectorate of Prisons, January 2009
78 This Isn’t The Road I Wanted to Go Down: Young People’s Perceptions and Experiences of Secure Care, Who Cares Scotland, 2008
Programmes available to young people in secure care included offending behaviour programmes, programmes dealing with issues such as anger management and substance abuse, and specific programme work including assertiveness, cognitive skills, decision making, family work, feelings, and risk taking. Half of the young people consulted in the study stated they had put things they had learned in programmes into practice in the community. The report also noted however that many young people stated that it was not realistic for them to change their behaviour merely through programme work.

In terms of **young offenders who do not receive a custodial sentence**, community sentences including probation and community service orders are intended to provide an element of personal development work to help address reoffending and promote more productive lifestyles. Whilst there is limited published evaluation material available based on an internet search, it is expected that further information on these interventions will be gathered throughout the workstream’s consultation process. A brief description of some of these services is outlined below.

**Turnaround** is a support programme delivered in partnership by Turning Point Scotland, Apex Scotland and Venture Trust in 10 local authorities in Scotland in the North Strathclyde and South West Scotland Community Justice Authority (CJA) areas. It has been operational since January 2008 and offers a holistic, person centred and needs led service helping people to consider their offending, its causes, the impact on victims and communities and to make plans for moving forward. Turnaround focuses on young men aged 18-30 years whose offending is persistent, high volume, low tariff and who are failing in other community-based alternatives, or who have had multiple remand or short-term prison sentences. Individuals who may be vulnerable due to substance misuse, mental health issues, homelessness, lack of coping/social skills etc. are given priority. Referrals can come from the courts, criminal justice social work and the Scottish Prison Service. Turnaround offers assessment, support planning, one-to-one support, and group interventions to service users within their own communities. Interventions include offender awareness, substance misuse programmes, anger management, parenting, social skills, confidence and esteem building, employability and life skills.

**Routes out of prison (ROOP)** is a programme now run by the Wise Group and APEX, and works with offenders, including young offenders, before they are released from prison, and for a number of weeks after, helping them acquire the life, social and employment skills they need to rejoin society. The programme uses life coaches, many of whom themselves have a background of offending, to use their experiences in helping ex-offenders. They provide confidential support before and after release, and prepare an action plan for release including arranging for assistance with housing; debt, money and benefits advice; health and addiction; training, education and work experience.

**Includem** provides support and supervision to the most chaotic and vulnerable young offenders in Scotland, currently providing services to over 500 young people across 18 local authorities. Its ethos is based on “the capacity of close one-to-one relationships, built on mutual respect, to change the behaviour, lifestyle, attitudes and prospects of young offenders”. It offers offering tailored packages of personal support and supervision and endeavours to maintain young people within the community and promote reintegration of those in residential institutions. The Includem model provides a “scaffolding of support” using pro-social modelling, a 24 hour crisis helpline for young people and their parents /
carers, a commitment to stick with young people no matter what, and close inter-agency working to connect young people to other services.

An evaluation of the Intensive Support Service provided by Includem to young people subject to the Intensive Support and Monitoring Service (ISMS) orders was published in 2007\(^79\). The evaluation showed that Intensive Support Services were successful in producing improvements in the behaviour of the great majority of young people, and in enhancing their interpersonal skills and social inclusion. In discussions with the participants, on nearly all issues, the most common principal reason given for improvement by the young person was the intensive service provided by Includem. More than half thought that Includem was the main reason things had got better in relation to believing they would be helped if they needed help, getting on with family, attending medical and non-medical appointments, offending, and education/employment.

**Sacro** delivers a range of Youth Justice services, specific to young people between the ages of 8 and 17. These services include: restorative justice conferencing, community based reparation, personal change programmes, restorative acceptable behaviour contracts and family group conferencing with young people. Since 2005, Sacro has been piloting a model of service that assists in the support and management of short-term prisoners returning to the community from the three main prisons serving the Edinburgh area, including HMP YOI Polmont and HMP Cornton Vale. This model aims to contribute to the reduction of re-conviction rates and the number of drug-related deaths among the short-term prison population.

The **Community Links Centre (CLC)** incorporates the expanded Sacro Voluntary Throughcare/ Throughcare Addiction Service (VTC/TAS) which acts as the primary case management team for short-term prisoners returning to the Edinburgh area. It is responsible for co-ordinating the support for short-term prisoners in preparation for their release back into the community. The intervention provides a clear and robust referral route into the service across the three main prisons serving the Edinburgh area. Before their release from custody, short-term prisoners are supported through a comprehensive assessment of their needs to plan the arrangement of important community appointments. These appointments are ideally set up with the agencies based within the CLC and, if required, with agencies based in the wider community. CLC essentially acts as a one-stop-shop where the ex-offenders are able to have their complex range of needs met under one roof.

The **Freagarrach** project in Stirling works with young people who offend or who are at risk of care or custody. They offer literature, information and advice and have a weekly drop-in service available to 12-18 year olds. A study of persistent young offenders\(^80\) which had evaluated the project over the course of five years (from 1995) highlighted Freagarrach as a successful programme in addressing the needs of young people involved in the criminal justice system.

**APEX Scotland** deliver a range of services to young offenders across Scotland. The key focus of all the services is working with disadvantaged (ex) offenders and young people at risk to progress towards employment, further training or education opportunities. Programmes include **Inside Out** - an initiative developed in partnership between Tayside Criminal Justice Social Work, Scottish Prison Service and Apex Scotland that targets individuals from Tayside who are in the last 3 months of a short prison sentence to return to employment, training or education.

\(^79\) Evaluation of Includem’s Intensive Support Services, F Khan & Professor M Hill, 2007  
\(^80\) Persistent Young Offenders: An Evaluation of Two Projects, D Lobey and D Smith, 2007
Apex also provide services within the Scottish Prison Service, delivering a range of employability and life skills training that increases the employment prospects of participants, addresses community integration issues and provides sustainable outcomes through concentrated aftercare that continues for up to 6 months after liberation.

*Keep on Track* is another Apex intervention which is part of the Dundee Employability Partnership project funded by the European Social Fund until 2010. The purpose of this service is to offer support and advice to SAO or CS clients in their effort to obtain employment, training or further education opportunities. The service offers group-work or one-to-one support as appropriate prior to moving clients on through the employability pipeline.

Apex also support *Think Again* - is an intensive 10 week programme designed to address the barriers faced by ex-offenders who are considering further or higher education opportunities as a means to securing sustained employment. It aims to raise awareness of educational opportunities, develop personal and social skills and increase self-confidence and motivation in order to enable active participation in mainstream society.

The Robertson Trust is currently funding a number of initiatives in Scotland focusing on the needs of young offenders - in particular providing support to offenders who also misuse drugs. Previous work commissioned by the Trust had identified three areas for further investigation: support for families, young offenders and female offenders. *Moving on Renfrewshire* was established in 2008\(^{81}\), in response to an identified need to improve the provision of throughcare services to support young male offenders leaving Polmont YOI. NCH Scotland leads the initiative in partnership with Youthlink Scotland, Fairbridge and the Princes Trust. It provides one-to-one support to young offenders leaving Polmont YOI and Greenock Prison, prior to and on release from prison. Support includes working with local partners to ensure basic needs relating to housing, health and benefits etc are met, and that barriers such as anger management, low self esteem and poor communication are addressed. Fairbridge and the Princes Trust deliver tailored personal development and employment programmes, and specialist additional support can be sourced from other relevant agencies. The programme also provides support to the families of young offenders to help maintain relationships and ease the return of young offenders to the community.

There are numerous other projects and programmes across Scotland which provide services for young people who offend or are disadvantaged. Those outlined in this paper simply intend to give a “flavour” of some of the interventions beginning to emerge from the fieldwork consultations and in web-based research.

### B. Effective interventions elsewhere in the UK

In England, a 2006 evaluation of the *Entry to Employment (E2E)*\(^{82}\) pilot programme working with young offenders, found positive results in terms of how the programme helped these young people find an appropriate learning or work opportunity. The evaluation suggested that 48% of young offenders secured an appropriate learning or work situation, compared to 47% of all young people who are on mainstream E2E programmes, which given the additional barriers faced by young offenders, was viewed to be a very positive outcome. It initially identified a range of problems experienced by young offenders in accessing or sustaining

\(^{81}\) Reference to this initiative comes from a briefing paper prepared by the Robertson Trust in December 2007 which suggests the Moving On project will become operational from April 2008.

\(^{82}\) Asking Further Questions of the Learning Alliance Entry to Employment Pilot, Judith Foster, Youth Justice Trust 2006
engagement with education, training and employment. These included: poor educational attainment, including basic literacy and numeracy problems; the unwillingness of some training providers to take on young offenders who may have challenging behaviour; poor ‘life skills’, such as time keeping, budget management and behavioural issues; and a lack of awareness among local providers of how to address these issues.

The pilot was focused on serious or persistent young offenders, in secure placements, YOI’s, or subject to Intense Supervision and Surveillance. It operated in three areas of England, from 2003 to 2004 and was then extended for one year to build on initial success. Using three voluntary sector agencies (Nacro, Rathbone and YMCA Training, working together as the Learning Alliance), with the support of the Learning and Skills Council (LSC), the programme aimed to produce the following outcomes:

- An increase in the number of young people who have offended accessing and sustaining entry to employment provision in the community, and then moving on into appropriate further education, work-based learning or employment
- A seamless transition of learning from custodial to community based provision
- The identification and minimising of barriers to learning and, more specifically, to accessing entry to employment provision

The evaluation of the programme highlighted the programme’s success in each of these areas, and noted consistent results in each of the three pilot areas compared to areas where no specific offender entry to employment programme was available. Some of the key elements of the Offender E2E programme include:

- Rigorous assessment and an ongoing close relationship with the young people
- The importance of one-to-one, or small group work, based on individual need as a key factor in engaging young people
- Recognition of the fact that most of the young people on the pilot not only lack basic educational skills but also have multiple deficits in other areas, all of which have to be managed to facilitate the chances of progressing
- Good communication and joint working improved the delivery of work by all partners involved
- Disengagement was not accepted as final and inevitable - young people were followed up if they disengaged
- Entry to employment was offered as a process rather than a one-off opportunity

An study by the National Research and Development Centre for Adult Literacy and Numeracy (under the LSC Skills for Life Quality Initiative) of around 400 young people in custody and community contexts reported on ways of improving literacy and numeracy provision for young offenders. Key learning points from the research included the following:

- Learners tended to respond more positively to curriculum areas such as social skills, creative arts, IT or vocational training, than to discrete literacy and numeracy lessons
- Embedded or contextualised literacy and numeracy tended to be associated with higher levels of learner engagement

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83 Although it stresses the difficulty of attributing impact to the Pilot programme when many other factors may have influenced change too

84 LSC Skills for Life Quality Initiative, Working with Young Offenders Research Paper, Improving the Literacy and Numeracy of Disaffected Young People in Custody and the Community, National Research and Development Centre for Adult Literacy and Numeracy 2005
Effective assessment is essential to determine the most appropriate individual learning needs.

A relaxed and adult-oriented learning environment which offers a degree of autonomy worked best.

The educational development of young people cannot be tackled in isolation from the wider reality of their lives.

If young people were treated with respect they tended to treat their tutors with respect.

In terms of the benefits accrued from improving the literacy and numeracy levels of young people who offend or might be at risk of offending, it was again difficult to isolate the effects of LNN provision to improving employment outcomes, however it was recognised that improving literacy and numeracy skills can play a key role in the effectiveness of wider interventions.

The **Positive Futures Programme** which runs in England is a government funded social inclusion activities programme which offers support and guidance to young people in disadvantaged communities, via over 120 projects across the country. It is closely aligned with the aims of the Youth Crime Action Plan, the national Drugs Strategy, and various DCSF strategies to help young people back into education and training. It works with young people aged 10-19 across a broad range of racial and ethnic backgrounds. *Taking It On*\(^{86}\) outlines the approach followed by the Positive Futures initiative and reports on progress made since it was introduced in 2001. Key aspects of its work include:

- Providing solutions to preventing substance misuse, crime and anti-social behaviour before such behaviour becomes entrenched.
- Enabling young people to make the most of new education, training and employment opportunities, and
- Spearheading an approach of running open access projects in disadvantaged areas that goes beyond diversion and looks to develop strong relationships with young people to help reduce crime and create stronger communities.

The report highlights evidence of the contribution made by the programme to raising educational achievement among young people who participated and addressing or “providing protection” from the risks associated with youth offending. Defining features of the programme are said to be:

- Its ability to reach young people “where they are”, physically, culturally, practically and emotionally.
- Its ability to offer long-term support to young people so they can build strong relationships of trust and respect, often for the first time.
- Its ability to act early to prevent young people getting into trouble and to help them back into a learning and achieving environment.
- Its ability to be adaptive, to develop and evolve in response to emerging needs and issues.
- Its ability to bring young people “through the ranks” to take on roles as coaches and mentors and leaders in their own communities.

A recent review of effective practice in youth justice interventions\(^{86}\) highlights the benefits of prevention work which tackles young people who are most at risk of offending. It cites the example of the **Youth Inclusion Programme** in England and Wales, aimed at 8-17 year olds identified (through a multi-agency approach) as being at high risk of offending or anti-social behaviour. An evaluation of the

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\(^{85}\) Taking It On, Home Office, 2008

\(^{86}\) Education, Training and Employment Source Document, Youth Justice Board 2008
YIP\textsuperscript{87} found that arrest rates for the 50 young people most at risk had reduced by 65%, and in relation to education, of these 50 young people, following engagement in a YIP, the rate of permanent exclusions was reduced by 27% and temporary exclusions by 12%. The YIP incorporated a range of approaches designed to meet the different learning needs of young people, incorporating activities which were tailored to the young person's individual risk factors.

An evaluation\textsuperscript{88} of the \textit{Positive Activities for Young People} (PAYP) programme, which ran from 2003 – 2006 in England, similarly highlighted the benefits of engaging young people at risk in activities designed to divert them from criminal behaviour. PAYP was a multi-departmental, targeted national programme for 8-19 year olds at risk of social exclusion and/or committing or being a victim of community crime. It provided diversionary and developmental activities during school holidays for over 290,000 young people, with those most at risk having access to key worker support.

The report states that PAYP was viewed by participating agencies as being successful, delivering a targeted programme to a hard to engage client group, and in doing so achieved a range of positive outcomes for participating young people, such as contributing to reductions in criminal and anti-social behaviour, supporting young people back into education, and offering opportunities for personal development. However, the evaluation notes the point that without appropriate comparative groups it is difficult to isolate the impact of PAYP from other initiatives with similar aims that were in place at the same time as PAYP.

A review\textsuperscript{89} of two probation employment schemes in England (\textit{ASSET} in London and \textit{Springboard} in Surrey) noted lower rates of reconviction amongst participants than those referred to the project but who did not attend (the report however stresses that more robust comparison groups are required to reach firmer conclusions). The projects were aimed at offenders aged 16-25 under supervision in the community, and offered advice, guidance, training, work placements, mentoring and employment opportunities.

A number of ESF funded programmes, under the EQUAL partnership project have focused on improving employability of groups furthest from the labour market, including ex-offenders. One of these has been \textit{IMPACT}, which has undertaken research and piloted a number of programmes in prisons and in the community to enhance the employability of ex-offenders. An evaluation of IMPACT\textsuperscript{90} concluded that it had “developed a range of highly successful delivery models and learning outcomes”.

One of the most recognised examples of best practice under the IMPACT programme was the \textit{Fire Cadet programme} for young people. This was a 12 week initiative for young offenders in custody, delivering education, a range of accredited qualifications, community project experience, techniques for dealing with authority, problem-solving and the development of aspirations. The programme was run jointly by staff at HMYOI Thorn Cross, Cheshire Fire and Rescue Service, and IMPACT.

It introduced “learning by stealth” to young people who had been out of formal education for a long time, combined with learning to become an active firefighter. Features of the programme included giving cadets the opportunity to be

\textsuperscript{87} Evaluation of the Youth Inclusion Programme, Morgan Harris Burrows 2003
\textsuperscript{88} Positive Activities for Young People National Evaluation, CRG Research for DFES, 2006
\textsuperscript{89} From offending to Employment: A study of two probation schemes in Inner London and Surrey, Sarno, Hearnden and Hedderman, 2001
\textsuperscript{90} Evaluation of IMPACT: Final report, WM Enterprise 2008
matched with a mentor from their home community for support, both within custody and during their first few weeks post release. In addition to learning and training at the Fire and Rescue service, it also involved community based projects from supporting local events to forest clean-up activities. The Fire Cadet programme won a number of criminal justice/youth justice awards and has been highlighted as "an example of multi-agency partnership working in an innovative way, to deliver a new and exciting intervention aimed at engaging hard to reach young people in a way that appeals to them".

IMPACT also trialled a project using volunteer mentors to assist ex-offenders in their resettlement into community settings after release. A study at HMYOI Lancaster Farm, cited in the review of IMPACT demonstrated that 64% of young people with mentor relationships did not reoffend, compared to the more typical reoffending rate of around 70% for young people coming out of custody. Volunteer mentors built positive relationships with young people, offering support, guidance and encouragement, as well as practical help with finding information on education, training and employment. Help was also given in practicing job-search skills, filling in application forms and interview techniques.

**Common factors in effective interventions – a summary**

Whilst there does not appear to be an agreed and definitive list of what determines an effective intervention in relation to reducing offending in young people, a number of very common themes appear in much of the literature in this field. These echo the findings of a number of previous reviews which have examined the evidence around offending behaviour, and have provided an overview of the types of interventions which are most effective. Much of the evidence base is from out-with the UK, but nevertheless concludes along very similar lines.

It is also important to note how similar many of these approaches are to recognised good practice in supporting young people generally disconnected from learning, but not necessarily involved in the criminal justice system.

From the review common features of good practice are suggested as:

- **The need to contextualise/incentivise learning through a holistic approach which recognises that learning may only become possible for many young offenders if other key factors in their lives are addressed. This raises questions of how, and at what stage in the process, it is introduced.**
- **The critical importance of recognising the importance of building a key relationship with the young offender as both a precondition for, and ongoing necessity within, good learning. This demands careful consideration of who maintains a relationship with the young person throughout the process, and the approach needs to be rooted in a genuinely empathetic approach to their concerns and aspirations.**
- **Linked to the above, the importance of 1:1 work which can be maintained over a significant period of time. Group work is not unimportant but the review suggests it can only be used at certain stages and with certain young offenders.**

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The need to balance intensive support with approaches which over time develop a level of independence

The critical importance of addressing key transitions – whether in terms of educational transitions (such as leaving school); lifestyle transitions (such as leaving care); or criminal justice transitions (such as leaving prison)

The importance where possible of maintaining family and other meaningful and positive links within the young offender’s lives

The importance of early intervention

The development of practical partnerships between agencies to ensure that a truly offender/community focused approach is taken. This includes the need for clearly defined roles based on an honest assessment of “who does what best”

The need for continual imagination in approaches, blending activities to enable the introduction of potentially less immediately engaging activities such as literacy and numeracy

Two further conclusions are suggested from this review of interventions which are of relevance to the future OLS. Firstly, the sheer number and variety of interventions and initiatives already in place, allied to their commonly restricted geographic focus. This review has possibly only scratched the surface of what is available. It is not – nor could be – a directory of supports available, and in any case to be useful these would require to be localised documents. The key issue is the degree to which key partners and stakeholders in the process are aware of the infrastructure already in place to build upon.

Secondly, the review suggests that robust evidence of impacts across these interventions remains limited, and there would appear to be significant variations on what types of performance indicators should be used to meaningfully measure performance.
6. RELATED RESEARCH ON SPECIFIC GROUPS OF YOUNG OFFENDERS

Within the overall young offenders group it is recognised that some subcategories present specific challenges in terms of framing an appropriate learning offer. These specific issues are not normally directly connected to learning as such, but are key to understanding how learning can meaningfully introduced within the wider suite of service supports. The needs of three key groups are considered: young women; care leavers; and young offenders involved in substance misuse.

Finally, we briefly consider some of the key wider and generic theories relating to youth offending which are influencing debate and practice. Whilst addressing a much broader agenda, these contain some key messages on how learning issues should be approached: central to these is current work on the theory of “desistance”.

Young women offenders

A recent review of provision for young female offenders in custody examined the provision and effectiveness of programmes specifically designed to address offending amongst “girls” (the term used in the report to refer to females below the age of 18) in a custodial setting. The report notes the existence of evidence to show that “the nature of girl’s delinquency differs in crucial respects from that of boys, that the criminal pathways diverge significantly, and that while many of the risk factors are shared, there are important distinctions in the origins of offending behaviour according to sex.” For example, the report highlights the fact that girls tend to “grow out” of criminal behaviour earlier than boys, with the female peak age of offending at 15, compared to 17 in boys. It also points to the prevalence of relationship issues and family conflict, including domestic violence as particularly significant amongst girls. Although noting an apparent shortage of gender specific interventions designed to meet the specific needs of girls, the report does however highlight some general themes relevant to effective interventions, drawn largely from the United States. These are based around the following principles:

- The importance of relationships – both in the sense of having to address girl’s previous experiences of relationships which have tended to be exploitative and abusive, and also (in order to address this issue) in establishing strong relationships between the staff and girls on the programme
- Acknowledging the high levels of victimisation and trauma in the lives of most girls who offend in order to then help girls to take control of and successfully change their behaviour
- Focus on strengths rather than base the approach on the “deficit model”. This is critical to developing self-esteem in the short term and promotes autonomy in the longer term
- Provide a comprehensive and holistic service that addresses multiple factors, including physical, emotional, sexual and mental health, drug and alcohol awareness, education and employment, self image, confidence and esteem

A thematic report looking specifically at the education and training of girls under 18 serving Detention and Training Orders noted in 2004 that the establishments (in England) in which young female offenders were held were unable to provide

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93 Review of Provision for Girls in Custody to Reduce Recidivism, NACRO, for the CfBT Education Trust, 2008

95 Girls in Prison, The Education and Training of under 18s serving Detention and Training Orders by the Office of Standards in Education in consultation with the Chief Inspector of Prisons, 2004
sufficient quantity and quality of training and education, and was ill-suited to their needs. It also highlighted the fact that many of these vulnerable and damaged young women regarded their time in custody as “respite” from chaotic circumstances at home, and that the provision however lacking, was still better than anything they received outside of custody. The review stressed the importance of providing continual support and opportunity for young women who have had the chance to develop and learn in a secure and stable environment. Key recommendations included the need to improve the range of provision available to young women in custody and post release so that it meets their individual needs more effectively, enables them to deal with emotional and behavioural issues more effectively, and develop strategies to tackle them.

A Fawcett Report\textsuperscript{96} on the provision of services for women offenders found that most women offenders have multiple problems requiring an effective response from a range of voluntary and private sector organisations which emphasise positive pathways out of offending. In terms of interventions for young women who offend, the most effective were found to be those that targeted family processes (such as promoting positive family relationships and communication) and antisocial associates (attempting to reduce antisocial peer associations and/or promoting identification with anti-offending role models).

Highlighted as a good practice model of an intervention for women offenders is the 218 women's service in Glasgow. 218 is a joint health and voluntary sector service for women living in or offending in Glasgow who are within the criminal justice system. The service aims to address the root causes of offending by offering women offenders a person centred programme of care, support and development, dealing with all the issues, such as substance abuse, trauma and poverty that arise in relation to their offending behaviour. By addressing these issues it aims to stop the “revolving door” syndrome which characterises the pattern of many women’s lives in and out of prison. Women can access the service from court, prison, community services or as part of a court order.

Research undertaken by the charity Circle\textsuperscript{97}, in 2007, into the experiences of women in Cornton Vale, although not focused on young women offenders (the study focused on women who were mothers, but none of the under 21 year olds at the time of the study had children), provides some further insight into the particular areas of need faced by women in prison and on release. Key areas of need were identified as:

- A high percentage of the women have drug problems
- Considerable issues with access to housing which impact on other areas of women’s lives
- Custody of children and stability of relationships with children
- Mental health issues

Key policy areas were identified as:

- The need for a holistic approach in the co-ordination of services
- The understanding and participation of women in the process
- The need for direct service provision in terms of availability, information and signposting

The report notes the positive contribution and support provided to women by the Link Centre in Cornton Vale, but highlights the need for the development of

\textsuperscript{96} Provision for Women Offenders in the Community, Fawcett, 2007
\textsuperscript{97} What Life After Prison? Voices of Women in Cornton Vale, Circle, 2007
resettlement and discharge plans, with more consistent involvement of relevant external agencies operating alongside prison staff and women. It further suggests that the absence of holistic and community support services may be a contributory factor in women’s reoffending and subsequent return to prison.

Young people in care

No specific evidence relating to effective learning interventions for care leavers who offend was uncovered during the course of the review, although there is plenty research around the links between offending and young people who have a background in care. There is also a significant amount of evidence supporting the fact that looked after children and young people in care have considerably lower educational outcomes than their non-looked after or in care peer group.

As outlined in the initial section of this review, strategies in Scotland are aiming to raise the learning and attainment of vulnerable young people and address the crucial transition stage to adulthood. There has however been some discussion around the type of support young people in care receive in custody and upon release.

A project carried out by the National Children’s Bureau in 2006 for instance found that looked after children who enter prison often miss out on the support and care planning services they are entitled to, and as a result their long-term outcomes are very poor.

In a written response to the UK Government’s consultation on Care Matters: Transforming the Lives of Children and Young People in Care, Rainer, a leading charity for under-supported young people (now Catch 22), note a particular concern relating to the resettlement of young offenders (who have been in care) on release from custody. It stresses the need for the resettlement process to start from the moment young people are sentenced, and that a multi-agency approach involving Youth Offending Teams, and leaving care professionals need to plan for this at the earliest opportunity.

In its study of persistent young offenders in Scotland, Who Cares note that young people in care were generally not convinced by the effectiveness of the care system in reducing persistent offending, and many felt that, as it currently stands, the care system exacerbated rather than alleviated offending behaviour. The report further notes that “Young people generally wanted a more constructive, proactive and holistic approach taken to their needs as well as deeds and, they desperately needed something from somewhere to convince them to stop offending”.

The report recommends that the Scottish Government and local authorities should take action to improve throughcare and aftercare provision for young people with care experience who become involved in the youth and criminal justice systems, to provide opportunities for further education and employment, with an emphasis on early planning and implementation in recognition of their vulnerability and reduced support networks; and to implement the recommendations from research such as ‘Sweet 16’. This research, undertaken by Scotland’s Children and Young People’s Commissioner showed that many young people in Scotland are leaving care aged 16 or 17, when

98 A new paradigm for Social Work with Offenders, F McNeill 2006; Giving up and Giving back; desistance, generativity and social work with offenders (with S.Maruna)
99 Nothing Has Convinced Me To Stop, Who Cares 2008
100 Sweet 16, The Age of Leaving Care in Scotland, Scotland’s Children and Young People’s Commissioner, 2008
they are not ready to face the challenges this presents. Problems include getting into rent arrears, becoming involved with drugs/alcohol, difficulties with neighbours, threat of eviction which sometimes leads to homelessness, and difficulties sustaining education.

A recent and encouraging development in England is of relevance in relation to young people in care, and no doubt will be monitored with great interest. The National Care Advisory service (NCAS) have announced a new initiative as part of a government strategy to help care leavers overcome barriers to work through extended periods of work experience, training and work experience.

From April 2009, NCAS and Catch22 will work with nine local authorities during 2009 and half of all local authorities in 2010-11, to develop and test models of support into employment with a view to a phased national roll out from 2010-11. The programme will work with national employers, who will offer opportunities for work experience and mentoring support to help care leavers into work, and all suitably qualified care leavers will be entitled to the offer of an apprenticeship place from 2009. Specialist youth homelessness advisors will also work with local authorities to improve the quality/suitability of care leavers' accommodation.

Young offenders and substance misuse

Substance misuse is one of the factors most commonly associated with offending amongst young people and many studies have explored the links between the prevalence of substance abuse and offending behaviour. One such piece of research undertaken in 2003 which took the form of a longitudinal study of 300 young offenders from 11 youth offending teams across England and Wales examined the ‘normalisation’ of drug use amongst young people and what this had in particular meant in regard to drugs use and offending.

The study found evidence of extensive substance use by young offenders across the whole range of drugs and other substances commonly misused. It also highlighted some key factors related to both substance use and offending, including life difficulties and events, exclusion and school disaffection, a lack of positive coping mechanisms, and expecting to get into trouble again. The research also found however that education was seen to play a key role and that generally the cohort wanted to acquire qualifications, despite the difficulties experienced at school. Although there were many drug services and interventions, the report identified a need for interventions designed to address substance abuse, offending, school problems, life traumas and coping skills in an integrated way without necessarily considering the drug problem to be primary.

Although much research has been undertaken around substance misuse and offending, there is limited consensus of the effectiveness of specific interventions focused on young offenders, although there is some evidence that interventions that focus on family and systemic therapy and cognitive-behavioural therapy can be effective.

101 http://www.leavingcare.org/news/112
104 Treatment for Substance Use Problems among Young Offenders; Difficulties and Dilemas for Implementation and Evaluation in the UK, R Hammersley, M Reid, and J Minkes, Educational and Child Psychology 2006
**Desistance and other research**

Whilst the focus of this paper is on youth offender learning and skills, there is much evidence to suggest that embedding this element of work with young offenders within an approach that encompasses a broad outlook of the range of needs and attitudes of young people is essential.

One of the most influential of these has been the significant work recently published on the concept of “desistance” - the reasons why offenders stop further criminal activity. A number of factors contribute to this process including learning support and access to sustained labour market activities. Fergus McNeill’s work is recognised as critical to understanding this is the Scottish setting. This work contains some key messages and new ways of introducing learning with offenders, and critically its place and sequence within a range of interventions and approaches. Central to this is the need to invest time and build meaningful relationships with offenders to create a new and more positive “narrative” for their lives, and through building a better understanding of the human processes and social contexts through which change occurs. This is will not take the form of an “event” but rather be a process based on trust, and a sense by the offender that someone “believes” in them. It also requires creating opportunities, advocacy and building links to communities and families (either of origin or formation). Desistance suggests learning must be introduced at an appropriate stage in the development of other factors and circumstances – without this initial investment it is unlikely to be effective.

A report by David Smith provides further example of practically studying the impact of desistance in a Scottish setting. This studied patterns of offending from a peak of delinquency at age 14-15, and noted a marked decline in offending by the age of 17. Interestingly, no correlation was found with family deprivation, but key factors reducing the likelihood of desistance appeared to include: more deprived neighbourhoods; disorderly areas; resident dissatisfaction; weaker bonds with teachers and parents and parental involvement with schools. A final observation noted that young people who had been caught by the police were far less likely to desist than those who had not.

Margo and Stevens argue that strategies aimed at the school, the family, seeking to tackle peer influences and to change the leisure culture are effective in tackling youth offending. They highlight evidence which suggest that participation in after-school, or out of school activities promotes better school engagement and attendance, educational attainment and future aspirations. Participation in organised activities is also associated with lower levels of drug and alcohol abuse and lower levels of offending among young people.

Many preventative programmes which focus on the family are based on interventions in the early years of a child’s life. Nurse-family partnerships, Sure Start, The Incredible Years Project, Positive Parenting programmes, and Functional family therapy are all examples of interventions cited by Margo and Stevens which have been shown in international studies to have had a positive impact on the likelihood of a young person to offend or engage in anti-social behaviour. “Multisystemic therapy” for young people aged 12 to 17 has similarly

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105 A new paradigm for Social Work with Offenders, F McNeill and S Maruna 2006; Giving up and Giving back; desistance, generativity and social work with offenders
106 Social Inclusion and Early Desistance from crime David J Smith, 2006)
107 Make Me a Criminal, Margo and Stevens, May 2008
108 Including Mahoney 2003; McIntosh et al 2005; Utting et al 2007; Gordon et al, cited in Make me a Criminal, Margo and Stevens 2008
been shown in studies\textsuperscript{109} in Norway and the US to have demonstrated positive outcomes. Key elements of this include: a clear focus on specific and current problems (not backward looking); clear treatment plans and expectations of behaviour and activity; daily or weekly activity or meetings with regular progress reviews; daily contact with therapists; therapy over three to five months.

Notably, many of these programmes share a focus on developing the social and cognitive skills of young people to address impulsiveness and other personality traits that can lead to criminal behaviour.

An evaluation of cognitive behavioural programmes operated by the Glasgow Youth Justice Programmes Team\textsuperscript{110} found that young people who completed the programmes were less prolific in their offending. The team deliver cognitive behavioural programmes specifically designed to address those thinking skills deficits found to be linked to youth offending. The main programmes delivered by the team are: OINTOC (Offending is not the only choice), ROSS2 (Reasoning and Rehabilitation), VINTOC programme (Violence Is Not the Only Choice), the CCF Substance Misuse programme and the ‘One World’, hate crime programme. Programmes broadly focus on the development of moral reasoning, consequential thinking and problem solving skills to reduce pro-criminal attitudes, improved victim awareness, self management skills and strategies for dealing with conflict.

The evaluation suggested that young people who successfully complete programmes are most likely to be at the contemplation stage in their offending behaviour, indicating that programme interventions work best for those young people who are at a stage in their lives where they are willing to voluntarily engage with intervention. It also noted that the majority of young people referred to programmes are also in receipt of other services or interventions. As such there is evidence to suggest that having a structured package of support helps to stabilise and possibly reinforce the behaviour change learnt on programmes. In terms of the impact on reducing re-offending, there was a 36% reduction overall in the volume of offending for young people completing OINTOC and a 25% reduction in the volume of offending overall for those completing ROSS2.

These cognitive behavioural programmes are based on the “what works” approach\textsuperscript{111} which is aimed at securing behavioural change by exploring the links between cognition and behaviour and by enabling offenders to develop and build their thinking skills.

A recent paper which recommends a new “social” approach to youth crime prevention\textsuperscript{112} presents the concept of adapting the “Circles of Support and Accountability” (COSA) model to apply to youth crime and anti-social behaviour. COSA originated in Canada (and now operates in England and Wales) as a community based programme used to support the re-integration of convicted sex offenders into society after their release from prison. The Scottish Centre for Crime and Justice Research have investigated the initiative and subsequently reported on the feasibility of introducing it to Scotland\textsuperscript{113}. The proposal to apply it to young offenders is based on using “circles” of volunteers to help young people overcome barriers to opportunities, providing a positive and normative

\textsuperscript{109} Ogden and Hagen 2006; Borduin et al 1995, cited in Make me a Criminal, Margo and Stevens 2008
\textsuperscript{110} The Programmes Team Evaluation of Offending Is Not The Only Choice & ROSS2 Programmes - Summary
\textsuperscript{111} Research and Practice in Risk Assessment and Risk Management of Children and Young People Engaging in Offending Behaviours, A literature Review, SCCJR, 2007
\textsuperscript{112} How to Reduce Youth Crime and Anti-Social Behaviour by Going Round in Circles, Simon MacKenzie, October 2008
\textsuperscript{113} Circles of Support and Accountability: Consideration of the Feasibility of Pilots in Scotland, Armstrong, Chistyakova, MacKenzie and Malloch, 2008, SCCJR Report
influence in developing value and behaviour systems. It is suggested that it should be made available on a voluntary basis to young people at risk, and as a diversionary measure available in the early stages of the youth justice process. The model provides support to young people through discursive means to think about their lives and help confront psychological problems. It also provides an element of help to deal with practical issues, as well as accountability for the local community in picking up on “early warning signals” of criminal behaviour.

7. CONCLUSIONS

Evidence sourced in the course of the literature review overwhelmingly supports that strong links exist between youth offending and re-offending behaviour, and a young person’s engagement, or lack of engagement, in education, training and employment. Participation in some form of learning and skills development has been shown to be a key “protective factor” in preventing young people from offending and re-offending. Recognition of the importance of learning has been at the centre of a growing number of policies and interventions to tackle offending, both in young people and adults.

However, research also shows that in many cases learning alone may not be enough to address the cycle of offending, and that connections to a wider range of inter-related supports are more likely to address patterns of offending behaviour amongst young people, many of whom suffer disproportionately in terms of multiple disadvantage and exclusion. Evidence repeatedly shows that there are groups of young people who are more at risk of offending, many of whom will display a range of often complex needs and characteristics. Whilst improving education and learning is clearly significant in addressing offending behaviour, if delivered in isolation - or at the wrong time in the process - it may not deal with other barriers which continue to prevent a young person from progressing in a positive and sustainable manner.

A particular “at risk” stage is the period of transition from childhood to adulthood, whilst difficult this can normally be manageable for most young people in a stable and supportive environment. However this is a period where some young people falter, and it becomes increasingly difficult to negotiate if other risk factors are present. A number of factors and influences might lead to offending, including: substance abuse; truancy and exclusion from school; poor educational engagement and attainment; being a care leaver; having a parent who is an offender; and disorder in the locality.

There are a host of interventions aimed at preventing youth offending and re-offending in young people, and we are aware this review has only highlighted some of these. Many include a focus on education, employment and training. Those which appear to have the greatest degree of effectiveness are programmes which take a holistic approach to addressing the learning needs of young people who offend or are at risk of offending, to ensure that a basket of supports deal with related factors.

This review is not a comprehensive review of the materials available, but it has uncovered a wealth of information relating to young offenders and learning and skills. It confirms the view that collectively key stakeholders have a wealth of knowledge and experience on the nature of the challenge and what works. This information will now be of practical value in informing the work programme of the Youth Offender Learning and Skills work-stream, and will be further augmented in the work-streams extensive process of consultations and ongoing research.
**APPENDIX 6: YOUNG OFFENDER LEARNING STRATEGY: FRAMEWORK FOR ACTION**

*The review of young offender learning and skills has highlighted areas for future improvement. Here we set out a framework for action aimed at the Scottish Government and local partners.*

<table>
<thead>
<tr>
<th>Theme 1: Leadership and partnership</th>
<th>Goal</th>
<th>Actions</th>
<th>Key players</th>
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<tbody>
<tr>
<td>Clarify leadership, improve visibility and strengthen accountability for improving young offender’s learning outcomes</td>
<td>1. Framework for action to be embedded within relevant governance structures in Education and Lifelong Learning portfolio to ensure strategic leadership, monitoring of progress and a co-ordinated approach</td>
<td>Relevant SG Divisions (within Justice, Education, Health etc) plus externals including SPS, SDS, COSLA, LTS and Scottish Funding Council CPPs, Local authorities, SDS, Jobcentre Plus, Health Boards, Voluntary sector, colleges and SPS</td>
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<td>2. CPPs to establish local performance baselines, co-ordinate activity and report on implementation at local level, within the context of existing SOA structures and processes</td>
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<td>Improve joint working between education (including post-school), youth justice, and wider services.</td>
<td>1. Support full implementation of Curriculum for Excellence in all local authorities to ensure all young people 3-18 have access to learning opportunities, wherever they are.</td>
<td>Curriculum for Excellence Programme</td>
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<td></td>
<td>2. HMIE including progress on delivery against ‘entitlement and personalisation’ as part of inspection process from January 2010</td>
<td>HMIE, local authorities, schools and colleges</td>
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<td>3. ADSW leading Scottish Government Offender Management Programme</td>
<td>ADSW and Scottish Government OMP</td>
<td>Scottish Government and</td>
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<td>4.</td>
<td>Embedding of GIRFEC model with focus on lead professional, shared assessment procedures,</td>
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<td>strand with focus on improved community re-integration for under 18s detained in secure care and custody</td>
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<td>Theme 2: Prevention</td>
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<td><strong>Goal</strong></td>
<td><strong>Actions</strong></td>
<td><strong>Key players</strong></td>
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<tr>
<td>To make sure all young people are included, engaged and involved in their education, wherever that takes place, especially those that are at risk of offending—or have offended</td>
<td>1. All local authorities will be implementing Curriculum for Excellence by August 2010. Learner entitlements to personalised offer in senior phase</td>
<td>Local authorities, schools, colleges, training providers, CLD, voluntary sector, SDS.</td>
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<td>2. Develop guidance on promoting positive behaviour and preventing and dealing with serious negative behaviour to enable those at risk to fully engage in their education</td>
<td>Scottish Government Offender Management Programme</td>
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<td></td>
<td>3. HMIE including progress on delivery against ‘entitlement and personalisation’ as part of inspection process from January 2010</td>
<td>HMIE, schools and colleges</td>
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<td></td>
<td>4. Embedding of GIRFEC model with focus on lead professional, shared assessment procedures,</td>
<td>Scottish Government and local authorities</td>
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<td>Ensure the roll out of 16+ Learning Choices prioritises the needs of young people with offending backgrounds</td>
<td>1. All young people requiring opportunities identified in advance of 16th birthday</td>
<td>MCMC partnerships, local authorities, schools, SDS, youth justice</td>
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<td>2. All young people offered an appropriate and meaningful post-16 learning opportunity</td>
<td>MCMC partnerships, local authorities, SDS</td>
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<td>3. Prisoners aged 16-18 linked into their local learning and skills provision and offered an Activity Agreement pre-</td>
<td>MCMC partnerships, SDS, SPS</td>
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<td>Widen access to work and work-related opportunities for young people with offending backgrounds</td>
<td>liberation or appropriate alternative</td>
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<tr>
<td>1. Consider how successful programmes aimed at Looked After Children could be built on to improve outcomes for young people who offend, eg what elements of the Care2Work programme in England could be beneficial in a Scottish context.</td>
<td>Scottish Government</td>
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<td>2. Encourage and support all Corporate Parent partnerships to develop employability as one of their priorities for looked after young people and care leavers, which will impact on the subset of those who are involved in offending.</td>
<td>Scottish Government, COSLA</td>
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<td>3. Strengthen the IAG offer to prisoners aged 16-18 by meshing it with employment, benefits and skills advice package as universal offer.</td>
<td>SPS and SDS</td>
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<td>4. Ensure access to Jobcentre Plus support programmes for all liberated prisoners aged 16-18, where appropriate.</td>
<td>Jobcentre Plus, Scottish Government SDS and SPS</td>
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### Theme 3: Continued effective intervention

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<tr>
<th>Goal</th>
<th>Actions</th>
<th>Key players</th>
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<tr>
<td>Embed GIRFEC principles and practice across post school-learning and support infrastructure</td>
<td>1. Embedding of GIRFEC model with focus on lead professional, shared assessment procedures</td>
<td>Scottish Government and CPPs</td>
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<td></td>
<td>2. SPS to develop new core systems and processes designed for children, based on need and risk. The model will be underpinned by the GIRFEC principles</td>
<td>SPS</td>
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<td>3. SDS to embed GIRFEC principles within its service delivery including national programmes including Get Ready for Work</td>
<td>SDS</td>
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<tr>
<td>Identify, disseminate and facilitate transfer of good practice in improving the learning and skill of young people with offending backgrounds</td>
<td>1. Develop and facilitate a series of events at the national and regional levels.</td>
<td>Scottish Government, SPS, SDS, Jobcentre Plus, COSLA, MCMC Partnerships</td>
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<tr>
<td>Improve individual level data gathering and sharing relating to learning outcomes for young offenders and those at risk of offending</td>
<td>1. Investigate with CoSLA, local authorities and schools what additional data gathering and sharing could support learning outcomes for those at risk of offending</td>
<td>Scottish Government, CoSLA, Local authorities and schools</td>
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<td>2. SDS to connect to the Framework of Support for Young People</td>
<td>SDS, local authorities and schools</td>
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<td>3. SDS to identify post-school leaving destinations for all young people, including those outside mainstream education</td>
<td>SDS, local authorities and schools</td>
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<td>4. Establishment of data-sharing protocols in line with GIRFEC principles</td>
<td>Scottish Government, SDS,</td>
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<td></td>
<td>5. Build on LAC data project</td>
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</table>
which is improving the quality and availability of attainment and other data on LAC, including young people who offend

| Ensure the specific needs of under 18s are reflected in the LSE contract delivered in Scottish prisons | 1. Adoption of national common assessment framework in prisons to assess learning needs  
2. Distinct learning and skills offer made available to prisoners aged 16 and 17 | SPS local authorities  
Scottish Government and local authorities |
|---|---|---|
| Ensure a suitably resourced and relevant skills element within Community Payback Orders | 1. Development activity with sheriffs and wider criminal justice organisations to promote the effective use of alternatives to custody  
2. CfE learning entitlements included within CPOs for 16-18s | Scottish Government (OMP), sheriffs, criminal justice organisations  
Scottish Government Justice, OMP and Education |
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<th>Goal</th>
<th>Actions</th>
<th>Key players</th>
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| Improve the quality and availability of management information on school staying on and post-school destination rates for young people with offending backgrounds | 1. Comprehensive database of post compulsory-education destinations for all pupils regardless of their education status  
2. Establish reliable baseline of post school destinations of all young people with offending backgrounds  
3. Review post-school destinations of young offenders each year | SDS, local authorities and schools  
SDS, local authorities and schools  
SDS, local authorities and schools |
| Improve and disseminate evidence base on effective practice in a range of settings with young people from offending backgrounds including the LSE contract and national training programmes | 1. Evaluate effectiveness of LSE programmes for 16 and 17 year olds in prison  
2. Establish annual snapshot of young offender outcomes on national training programmes  
3. Commission longitudinal SROI studies to strengthen evidence base | SPS, HMIE  
SDS  
Scottish Government |
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<th><strong>Theme 5: Building delivery capacity</strong></th>
<th><strong>Goal</strong></th>
<th><strong>Actions</strong></th>
<th><strong>Key players</strong></th>
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<tbody>
<tr>
<td><strong>Build the skills and capacity of the workforce working with young offenders, across every sector including education, justice, health and social services</strong></td>
<td>1. Consider how professional development in relation to CfE can support the skills of learning professionals to work with young offenders.</td>
<td>Curriculum for Excellence Management Board Scottish Government, SPS, Scottish Social Services Council, NHS Education Scotland</td>
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<td>2. Ensure that the findings of this workstream are factored into the Scottish Government’s Children’s Workforce Development work</td>
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<td><strong>Raise mutual awareness and understanding between professionals working in the learning and justice systems</strong></td>
<td>1. Support development and roll out of shared professional development product aimed at local areas</td>
<td>Scottish Government, COSLA, CPPs</td>
<td></td>
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