

The Transition to Adulthood (T2A) response to the prison education review

Introduction

The T2A programme produces and promotes evidence for effective ways of working with young adults who commit crime. T2A's principal aim is that the young adults (who T2A define as those aged 18-25) are subject to a distinct approach at all stages of the criminal justice system. T2A's evidence base is founded on three main bodies of research: Criminology, Neurology and Psychology. All three fields strongly support the T2A view that young adults are a distinct group with needs that are different both from children under 18 and adults older than 25, underpinned by the unique developmental maturation process that takes place in this age group¹.

T2A's strategy and work is steered by the T2A Alliance, a coalition of 13 leading justice youth and health organisations, chaired by Joyce Moseley OBE and convened by the Barrow Cadbury Trust.² Since its establishment in 2008, T2A has contributed to significant change in policy and practice locally, nationally and internationally. T2A has produced more than 40 reports and undertaken 12 projects across England demonstrating effective interventions for young adults.³ The framework for T2A's work is the "T2A Pathway", which identifies 10 points in the criminal justice system where a distinct approach to young adults can be delivered, from point of arrest and including prosecution, sentencing, probation and custody.

T2A welcomes the opportunity to respond to the prison education review. This response is mainly in answer to the following question posed by the review: *What do we need to change in order to ensure that education and training provision meets the needs and interests of all potential prison learners? For example: males and females, long and short sentenced prisoners, prisoners with learning disabilities / difficulties and prisoners who have higher levels of education.* However, the answer is also relevant to questions posed on incentives, measures of performance and effectiveness, teaching and delivery models, encouraging partnership work and international best practice.

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Response

1 A period often referred to in the literature as the 'maturity gap' or 'emerging adulthood'.

2 See <http://www.t2a.org.uk/t2a-alliance/> T2A Alliance members are: Addaction, BTEG, Catch 22, Centre for Crime and Justice Studies, CLINKS, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, Prison Reform Trust, Revolving Doors Agency, the Young Foundation and Young Minds. N.B. This T2A response does not necessarily reflect all policy positions of individual Alliance members and some members will additionally submit their own responses.

3 Six 'T2A Pilots' ran from 2009-2013, demonstrating effective probation services for 18-25 year olds (www.t2a.org.uk/t2a-pilots/). Six 'T2A Pathway projects', launched in 2014, are testing interventions with this group across 10 distinct stages of the criminal justice system (www.t2a.org.uk/pathway/).

T2A Alliance response to the prison education review

The Transition to Adulthood (T2A) Alliance welcomes the consideration given in the review's terms of reference to the distinct needs of young adults and to "the scope, quality and effectiveness of current education provision in prisons and Young Offender Institutions (YOIs) holding young adults." Young adults are a distinct group in the prison population with particular needs and entitlements, which need to be taken account of in the provision of education. The number of young adults (aged 18–20) in prison in England and Wales has fallen by 42% in the last six years. On 30 June 2015 there were 5,050 young adults in prison. Despite this welcome reduction, the HM Inspectorate of Prisons has cautioned that those who remain in custody are "some of the most vulnerable, troubled young adults with complex needs".⁴

Young adults in custody have the highest reoffending rates of any group, with three-quarters (75%) reoffending within two years of release. Young adults frequently have few or no educational qualifications, and no experience of work. A large number have experience of local authority care and have been excluded from school. Many have learning disabilities and also suffer from poor mental health, and alcohol and drug misuse problems. These are often even more acute during someone's transition to adulthood, as child-focused support services - such as care services, child and adolescent mental health services, children's services and youth offending services—fall away when they reach the age of 18.

Since 2012, NOMS commissioning intentions have taken account of the evidence on maturity. Recent guidance for commissioners has highlighted the importance of education, training and employment for improving outcomes for young adults. *Better Outcomes for Young Adult Men Evidence Based Commissioning Principles*⁵ notes that a greater proportion of men aged 18-20 than men aged over 20 had needs relating to education, training and employment, in addition to their lifestyle and associates, attitudes and drug misuse. The guidance highlights evidence on the importance of education and employment training for young adults for promoting desistance from crime:

"Evidence suggests that those who offend aged between 14-18, and who go on as adults to successfully desist from offending had greater stability in their daily routines, both in their living arrangements and in their attendance at structured activities, such as education, training or employment. Providing young adults with opportunities to increase their educational achievements and develop new work skills, is an important way to help them build independence and self-sufficiency, and for them to develop pride in pro-social achievement. For those in prison, structured support during the crucial period of re-entry to society."⁶

The sentence of Detention in a Young Offenders (DYOI) is an important legislative safeguard for young adults sentenced to custody, which was specifically designed to ensure that young adults were managed within a distinct prison regime compared to that for older adults. Its focus is intended to be on education, purposeful activity and addressing the specific needs of the age group. Young Offender Institutions, where young adults serving DYOIs are held, are governed by specific legislation in the form of the Young Offender Institution Rules 2000. These state that the aim of a young offender institution:

shall be to help offenders to prepare for their return to the outside community" and this aim shall be achieved in particular, by: (a) providing a programme of activities, including education, training and work designed to assist offenders to acquire or develop personal responsibility, selfdiscipline, physical fitness, interests and skills

⁴ The HMIP Annual Report 2014-15

⁵ NOMS (2015) Achieving Better Outcomes for Young Adult Men: Evidence-based Commissioning Principles. Available at <https://www.gov.uk/government/publications/achieving-better-outcomes-for-young-adult-men-evidence-based-commissioning-principles>

⁶ Ibid.

and to obtain suitable employment after release; (b) fostering links between the offender and the outside community; and (c) co-operating with the services responsible for the offender's supervision after release.⁷

Over the last decade, however, this distinct legislative provision for young adults has been eroded by a series of operational changes, resulting in patchy provision nationally. The result of this is that young adults in prison are held in a variety of establishments, only three of which are dedicated YOIs. Most settings in which young adults are held are classified as 'dual designated' (as both a YOI and an adult prison) and the majority of these offer only a tokenistic distinct provision to young adults held there.

The erosion of distinct provision for young adults means the conditions in which this age group is held have become similar to adult prisoners and increasingly different from those for under-18s. This reflected in the arrangements for the commissioning and provision of education in custody. Education departments in prison and YOIs are funded and overseen by the Offender Learning and Skills Service (OLASS), with separate arms for juveniles and the adult prison population. Expectations for education and training of children and young adults in custody are markedly different. While children in custody are now required to participate in 30 hours of education per week - a requirement which was increased from 15 hours in August 2015 -, no such expectation exists for young adults, for whom education is not compulsory.

The lack of attention given to the education and training of young adults in custody is in marked contrast to the outside world, where the collapse of the youth labour market and the expansion of the education system has meant that education and training have become increasingly important for young adults. Young adults in the community are now increasingly required by government policy to be engaged in education or training to access particular benefits or services. For instance, under the Chancellor's "youth obligation", young people aged 18 to 21, who receive universal credit will be required, from April 2017, to participate in an intensive regime of support from day one of their benefit claim; after six months they will be expected to apply for an apprenticeship or traineeship, gain work-based skills, or go on a mandatory work placement to give them the skills they need to move into sustainable employment.

The lack of priority given to the education and training of young adults in custody is reflected in the generally poor outcomes for this age group. The HM Inspectorate of Prisons annual report 2014-2015 found standards of education and learning to be variable in custodial establishments for young adults. Outcomes for purposeful activity were particularly poor for this age group, with young adults experiencing the least time out of cell of all prisoners. Only 6% said they had over 10 hours out of cell on a weekday, and 36% that they had less than two hours. The report found that "in prisons that had integrated adults and young adults, outcomes for the young adults were generally worse, and many prisons continued to have no strategy to manage this distinct group, whose lack of maturity was sometimes manifest in poor behaviour and thinking skills".⁸

Lord Harris, in his independent review of deaths of young people (18-24) in custody,⁹ identified a lack of purposeful activity as a factor behind the deaths of young adults. He concluded that "young adults in prison are not sufficiently engaged in purposeful activity and their time is not spent in a constructive and valuable way. Current restricted regimes do not

⁷ The Young Offender Institution Rules 2000. Available at <http://www.legislation.gov.uk/ukxi/2000/3371/made>

⁸ The HMIP Annual Report 2014-15

⁹ Harris, T (2015) Changing Prisons, Saving Lives: Report of the Independent Review

into Self-inflicted Deaths in Custody of 18-24 year olds. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439859/moj-harris-review-web-accessible.pdf

even allow for the delivery of planned core day activities that might help with rehabilitation. Our evidence demonstrates that young adults do not have enough activities, such as education or work, which will enable them to live purposeful lives.” The review recommended that “In line with the European Convention on Prevention of Torture (CPT), all young adults in custody must be able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature.”

Not surprisingly, given the erosion of distinct provision for young adults over the past decade, many of the problems with education provision are common to both young adult and adult learners. The Inspectorate identified a lack of available activity places, poor allocation of prisoners to places and problems with attendance and punctuality. Many prisoners were found to be working below their capability and were being insufficiently challenged by staff. A lack of vocational training, the poor integration of vocational and academic goals and the prevalence of mundane and repetitive work activities were also commonplace.

A report by the Institute of Education (IOE)¹⁰ on the education of young adults in prison in London has identified a number of challenges on top of the familiar problems arising from short lengths of stay, the demands of security and movement or unavailability of prisoners. These include unnecessarily complex organisational arrangements in which education and vocational training are managed separately, the isolation of teachers from their colleagues in the community and “a conflict” between the need to ensure achievement, which is the criterion on which funding is allocated to prison education, and the ability to meet the learners’ need to develop other skills and qualities which can subsequently form the base of a positive learning attitude.

The HMIP report identified some areas of good practice in prisoner learning. Inspectors found that coaching and skills development in vocational training remained good in most prisons, as did achievement of accredited qualifications. The report also highlights examples of good practice for young adult learners in some prison establishments:

English and mathematics were well integrated into teaching and learning in several vocational training sessions – for example, measuring and cutting wood, estimating paint quantities and measuring pipe diameters. Isis

Teaching, coaching and learning in the vocational training and prison workshops were good... high standards of work were demonstrated... many prisoners made good progress... success rates on most vocational training courses were good. Glen Parva

Proposals for reform

T2A’s central recommendation to the review is that education and training should be prioritised within prison regimes for young adults, in line with their entitlements and the evidence on the distinct needs of this age group relating to education, training and employment. A similar focus on education and training should be in place for young adults in custody as in other areas, such as the youth obligation under universal credit, given the additional support they are likely to need into training and/or employment on release. The Institute of Education has called for education and training to be prioritised within prison regimes for the under 25s.¹¹

¹⁰ IOE (2012) Inside Education: The Aspirations and Realities of prison education for under 25s in the London area. Available at https://www.ioe.ac.uk/Study_Departments/CECJS_John_Cass_Report.pdf

¹¹ IOE (2012) Inside Education: The Aspirations and Realities of prison education for under 25s in the London area. Available at https://www.ioe.ac.uk/Study_Departments/CECJS_John_Cass_Report.pdf

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As a minimum, the provision of education and training in prison should meet the expectations set in the YOI rules for “a programme of activities, including education, training and work designed to assist offenders to acquire or develop personal responsibility, self-discipline, physical fitness, interests and skills and to obtain suitable employment after release.” This expectation should apply to young adults held in both mixed and designated establishments. Young adults aged 18-20 are entitled to distinct provision under the YOI rules. However, ideally priority should be given to young people up to the age of 25, to reflect the established evidence on maturity. T2A recommends that a pilot institution for young people should be introduced based on the campus model in Neustrelitz, Germany (see below).

T2A would like to bring to the review’s attention research conducted, and recommendations made, by prison education experts that are of particular relevance to the provision of education and training for young adults in custody. The Prisoners Education Trust (PET) has highlighted problems with the existing education contract, which it says “is essentially based on a traditional classroom model that rewards providers for achieving one type of ‘intermediate outcome’; the enrolment and completion of units and qualifications delivered by the provider from their own resources.”¹² It says prison education should be focused towards promoting longer-term rehabilitative and desistance outcomes for prisoners. Greater flexibility should be built into the contract to reward providers for achieving other ‘intermediate outcomes’, including partnership working, engaging hard to reach learners and through the gate provision.

Moving towards a more outcome-focused model would help to promote joint working between organisations through-the-gate, and systems to enable the monitoring of learners’ progress after release. According to PET, the contract “should emphasise the importance of partnerships with community-based National Careers Service, FE colleges, universities, Community and Voluntary Sector organisations, volunteer bureaux and employers.”¹³ Similarly, the Institute of Education has called for “greater collaboration and communication between the various agencies that provide education and training within prisons and with these that can support progression on release. This includes not only that between providers of education and providers of training, but also between these departments and careers guidance and resettlement.” It adds: “Good practice across prison education should be shared between staff from different establishments through regular meetings and liaisons with Local Authorities should also be developed.”¹⁴

Provision of education should meet the specific needs of young adult learners. In its response to the government’s consultation on Transforming the Management of Young Adults in Custody, PET highlighted the need for education provision in prison to take account of maturity and “to acknowledge that some young adults will have different needs to older adults. 52% of young offenders were permanently excluded from school meaning that many will need targeted, specific interventions, rather than a generic one size fits all approach. There will be even greater need to ensure that there are a wide variety of types of learning; informal, creative, embedded, vocational and academic. As there is such a large focus on employability within OLASS 4, there needs to be acknowledgement that young adults will need specific interventions to get them there. Increased opportunities to go out of the prison on ROTL to access apprenticeships and college courses should be available and actively encouraged and supported by prisons.”¹⁵

¹² PLA (2015) The Future of Prison Education Contracts: Delivering better outcomes. Available at [https://fbclientprisoners.s3.amazonaws.com/PLA/The%20Future%20of%20Prison%20Education%20Contracts.p](https://fbclientprisoners.s3.amazonaws.com/PLA/The%20Future%20of%20Prison%20Education%20Contracts.pdf)
[df](https://fbclientprisoners.s3.amazonaws.com/PLA/The%20Future%20of%20Prison%20Education%20Contracts.pdf)

¹³ Ibid.

¹⁴ Ibid.

¹⁵ PET (2013) Response to Ministry of Justice consultation on Transforming the Management of Young Adults in Custody. Available at

A whole prison approach to education and a focus on embedded learning should be a priority. The IOE says: “Opportunities for embedding learning in practical, meaningful activities should be consistently developed across all areas of purposeful activity, including education and training. This should be mindful of learners’ interests, culture and aspirations.” Research suggests that many young offenders may suffer from hitherto undiagnosed learning and speech and language difficulties, or autism. Greater provision of speech and language therapists could make a substantial difference to many young adult learners.

Specific attention should be given to the needs of care leavers, who are entitled to support from their local authority to engage in education and training up until the age of 25 whether or not they are in custody.¹⁶ Just 1% of children are looked after by local authorities, but those in care make up 33% of boys and 61% of girls in custody. Although precise figures are not known because care leavers are not always identified within the criminal justice system, it is estimated that 24% of the adult prison population were in care as a child (24% for men and 31% for women). While care leavers are less likely to be in education, training or employment than other young adults, they are entitled to practical and financial support from local authorities. Therefore, it is important that prisons identify care leavers and enable them to access all the support they are entitled to under the Children (Leaving Care) Act 2000.

Some young adults will have the ability and desire to progress beyond a basic level. Both the Prisoners Education Trust and the Institute of Education have highlighted the need to provide relevant qualifications at a level that allows progression within prison and on release. At least 80 per cent of the current education budget is compulsorily allocated to hard-core targets that have qualifications up to Adult Literacy/Numeracy or Key Skills Level 2. In fact qualifications achieved by learners tend to be at lower levels which do not equip learners for employment. In the IOE research, assessment data demonstrated that learners were able to pursue higher level qualifications. This has implications for both prison provision and for progression on release.

A lack of opportunities to progress in education is particularly relevant to young adults serving long prison sentences. Of the 6,742 young adults (18-20) received into custody under sentence in the 12 months ending June 2015, 707 were serving a sentence of four years or more and a further 28 were serving an indeterminate sentence.¹⁷ A prison education manager at a meeting in the Houses of Parliament of the Prisoner Learning Alliance said: “For young people who have already completed their level two in the juvenile estate and are serving long sentences what else can we offer them? There is no provision other than distance learning. The only thing we can offer them in the prison is peer mentoring where they can get a level two qualification and peer mentor for the next 10 years.”¹⁸

There is a need to have relevant and appropriate training for teachers and staff so that they feel supported to work with this age group and that they want to work with them too. According to PET: “As the numbers of young people in custody continue to decrease, we need to recognise that the few young people who are in custody will be the most troubled and disturbed who are therefore likely to present significant challenges and therefore require highly trained staff to work with them. Learning spaces (as well as other spaces within

https://fbclientprisoners.s3.amazonaws.com/Documents/Transforming_Management_of_Young_Adults_in_Custody_response_FINAL.pdf

¹⁶ See <http://www.careleavers.com/acsingeducation>

¹⁷ Table 2.1, Ministry of Justice (2015) Offender Management Statistics Quarterly April-June 2015

¹⁸ PET (2013) Response to Ministry of Justice consultation on Transforming the Management of Young Adults in Custody. Available at

https://fbclientprisoners.s3.amazonaws.com/Documents/Transforming_Management_of_Young_Adults_in_Custody_response_FINAL.pdf

prisons) need to be safe. Staff must be supported appropriately in behaviour management techniques.”¹⁹

Effective leadership and accountability for the provision of education and training for young adults will be crucial. The secretary of state for justice, Michael Gove, has suggested giving governors greater autonomy over the provision of education in their establishments. This position is supported by PET who calls for prison governors to be “accountable for the integration of education within the wider prison regime to achieve a ‘learning culture’ and for improving outcomes. This requires the contract to be flexible enough for the governor to manage and exercise control over it effectively.”²⁰

T2A supports greater flexibility to enable prison governors to tailor provision to the specific needs of their population. This could be beneficial for young adults serving long sentences, who are frequently let down by existing provision.²¹ At the same time, it will be important to ensure robust systems of oversight to maintain standards of education and training for young adults held across the prison estate – including in mixed establishments where inspection reports show their specific needs are often overlooked. Expectations for the education and training of young adults in custody should be developed by HMIP and Ofsted. NOMS and the deputy director of custody for young adults should continue to play a role in operational oversight of provision for young adults.

International best practice

T2A profiled examples of custodial provision for young adults in other countries as part of its report *Young Adults in Custody: The Way Forward*.²² In Germany, young people up to 21 can be sentenced either as juveniles or as adults depending on the offence and the maturity of the young offender. Each of the 16 Lander (Regions) has its own criminal justice and prison system.

In the state of Mecklenburg Western Pomerania, visited as part of this study, there is one youth prison in the town of Neustrelitz. As the report highlights, “the youth facility is really a campus, designed for young people aged 14 and above who are in pre-trial detention and youth custody. In exceptional cases young people under 26 can serve prison sentences. It caters for both male and females and includes a unit for the male adolescents and young adults serving a four week detention order. There is also a pre-release open unit from where young people go out to work in the town. The facility has a total of 297 places.”

“ ... There are sufficient places for all young people to do a full working week in one of a wide range of well equipped vocational training workshops. Occupational therapy is provided for vulnerable young people. Young people are paid for work training or education. Recreation and leisure activities include sports (football, athletics), drama and music (including a choir and music lessons), arts (including wood sculpture) and other opportunities such as fire fighting.

¹⁹ Ibid.

²⁰ PLA (2015) *The Future of Prison Education Contracts: Delivering better outcomes*. Available at <https://fbclientprisoners.s3.amazonaws.com/PLA/The%20Future%20of%20Prison%20Education%20Contracts.pdf>

²¹ For instance, see the recent HMIP report on HMYOI Aylesbury, an establishment which holds a disproportionate number of long sentenced young adults <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/10/Aylesbury-Web-2015.pdf>

²² Allen, R (2013) *Young Adults in Custody: The Way Forward*. Available at http://www.t2a.org.uk/wp-content/uploads/2013/11/T2A-Young-Adults-in-Custody_V3.pdf

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“Specialist treatment programmes are provided for violent, sexual, property, drug and traffic offenders with additional programmes for those who cannot live in groups, have unstable personalities, learning difficulties and are potential victims.

“Preparation for Release is highly structured with a standardised transition from custody to community using a programme called (INSTAR). This starts six months before release and involves a clear time line of activities including case conferences and other planning mechanisms using standardised documentation. Special attention is given to those young people with nowhere to go on release through a “Safe landing” programme.”

T2A recommends that a pilot institution for young people should be introduced based on the campus model in Germany. The main elements of the regime are summarised below:

SMALL SIZE • Less than 400

DAILY LIVING • Normalised regime as far as possible. • Lunch in canteen in groups during break from work /education. • Responsible young people able to dine out in the living units. • Small kitchen for young people to prepare snacks.

EDUCATION, TRAINING AND EMPLOYMENT • Sufficient places for all to do full day. • Occupational therapy for those with vulnerabilities. • Education. • Vocational Training in a variety of trades. • Work Opportunities. • Payment for work training and education.

RECREATION AND LEISURE ACTIVITIES • Sports (Football, athletics). • Drama and Music (including Choir and Music lessons). • Arts (including wood sculpture).

TREATMENT PROGRAMMES • Specialist treatment programmes for violent, sexual, property, drug and traffic offenders. • Programmes for those who cannot live in groups, have unstable personalities, learning difficulties and are potential victims.

PREPARATION FOR RELEASE • Standardised and structured transition from custody to community (INSTAR). • Starts 6 months before release. • Case conference. • Standardise documentation • Special programme for those with nowhere to go “Safe landing”.