



Standing Committee for Youth Justice

APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING BILL HOUSE OF LORDS SECOND READING

2 June 2009

The Standing Committee for Youth Justice (SCYJ) welcomes the measures relating to the education of persons detained in youth accommodation outlined in **clauses 47 to 50** of the Apprenticeships, Skills, Children and Learning Bill.

Although we would rather see s.562 of the Education Act 1996 fully repealed so that children in any form of court-ordered detention can enjoy the same right to education or training as any other child in the country, we welcome the amendments that give local authorities specific duties in relation to the education of young people subject to youth detention.

Supporting children in custody and preparing them for resettlement

For those children who are in custody, SCYJ members want to see them in a safe custodial system that provides care, education and training, and prepares young people for their release into the community. Although custody must always be a measure of last resort, the experience of those young people who are on remand or serving their sentence in custody should be as positive as possible in order to increase their chances of successful resettlement. Services provided to young people in custody should at least match the quality of those available to children in the community, and they should be measured against the same standards.

A historical problem

Without statutory duties in place, the situation for young people in custody with regard to education has been patchy at best. There is evidence that Youth Justice Board requirements for the level of education to be provided in YOIs have not been met. For example:

In the 2005–08 service level agreement between the YJB and the Prison Service, each YOI was set an agreed target for the provision of education and training. Between April 2005 and March 2006, five YOIs met their individual target and 11 did not.¹

¹ Hansard 27 Apr 2006: column 1263W

This issue was recognised by the UN Committee on the Rights of the Child in its most recent set of Concluding Observations on the implementation of the CRC in the UK. The Committee recommended that the state party *'[p]rovide for a statutory right to education for all children deprived of their liberty'* (para 78e).

Children with Special Educational Needs

The current drafting of the clauses leaves some questions unanswered regarding the provision for meeting the special educational needs of young people who are detained, the prevalence of which is very high. Reports from the Youth Justice Board (YJB) find that around 150,000 children and young people under the age of 18 enter the youth justice system each year, and about 70,000 of these are of compulsory school-age. Of these 33% need help with reading and writing² and 15% have statements of SEN (compared to about 3% of the general population).³

In particular we are concerned that the duty on the 'home' authority *'to take such steps as they consider appropriate to promote the person's fulfillment of his or her learning potential'* is not subject to a requirement to have particular regard to any special educational needs a detained young person may have.

The Standing Committee for Youth Justice will be working jointly with the Special Education Consortium to propose amendments to address these issues.

Information Sharing and sentence planning

In order to ensure that a child is able to fulfil their learning potential it is vital that information regarding the young person's educational needs and experience is shared between the 'host' and 'home' authorities quickly and readily as a child goes into custody and then again to prepare for release. Therefore we welcome the duties in clauses 49 and 50 on both host' and 'home' authorities and youth offending teams (YOTs) to share information.

Clause 50 requires YOTs to notify the relevant local authorities whenever a young person either becomes subject to a detention order, is transferred from one place of youth detention accommodation to another and on their release. In order to maximise the effectiveness of these provisions we would suggest that the YOT be required to make a notification as soon as they become aware that custody is being considered for a young people through the pre-sentence reporting process.

It is also vital that education planning is an integral part of a child's sentence plan. Given that most children are in custody for on average three to four months, successful reintegration (or indeed integration) into education in the community should be an immediate and urgent focus of planning from day one of the sentence. However a National Audit Office report from 2004 found that only 6 per cent of youth offending teams said that young people were able to continue education started in custody after

² DFES (2007) Education for Young People Supervised by the Youth Justice System

³ Youth Justice Board (2004) Asset Report 2003. NB This refers to children and young people with or without statements, but identified through ASSET as having SEN

release, mainly because of logistical problems in finding suitable courses, reluctance by some young people to attend, and difficulties in persuading schools to accept young people that might have been previously excluded.⁴ **How will the guidance prompt improvements in education planning as an integral part of the sentencing planning process?**

Curriculum entitlement

There is currently wide variation in the content of the curriculum across the juvenile secure estate, including the ability of institutions to tailor education programmes to meet young people's needs. Clause 47 requires that the 'host' local authority *'must have regard to and relevant curriculum and the desirability that education received by children subject to youth detention should be comparable with education which they could be expected to receive if they were attending a school or institution implementing a relevant curriculum.'* **We wish to see this strengthened so that children are entitled to access the full curriculum, including diplomas, in secure establishments.**

For further information please contact:

Katherine Hill, Parliamentary Adviser, The Children's Society
E Mail: katherine.hill@childrenssociety.org.uk T: 020 7841 4480 M: 07715 122 545 or
Lisa Payne, Principal Policy Officer, National Children's Bureau
Lpayne@ncb.org.uk T: 020 7843 6013 M: 07809 086 865

The Standing Committee for Youth Justice (SCYJ) is a membership body which:

Provides a forum for organisations, primarily in the non-statutory sector, working to promote the welfare of children who become engaged in the youth justice system; and advocates a child-focussed youth justice system that promotes the integration of such children into society and thus serves the best interests of the children themselves and the community at large.

Members are: Action for Children, Association of YOT Managers, Barnardo's, Catch22, Children Law UK/TACT, The Children's Society, Children's Rights Alliance for England, Council for Disabled Children, The Howard League for Penal Reform, Just for Kids Law, JUSTICE, Nacro, National Youth Agency (NYA), National Association for Youth Justice (NAYJ), NCB, NSPCC, The Prince's Trust, Prison Reform Trust, Sainsbury Centre for Mental Health, Secure Accommodation Network, SOVA and VOICE.

The contents of this briefing do not necessarily reflect the views of all member organisations

⁴ National Audit Office, *Youth Offending: the delivery of community and custodial sentences*, The Stationery Office 2004