



Ministry of  
**JUSTICE**

# **Transforming Youth Custody**

Putting education at the heart  
of detention

**February 2013**

**Consultation Paper CP4/2013**

Consultation start date: 14 February 2013

Consultation close date: 30 April 2013



# **Transforming Youth Custody**

Putting education at the heart of detention

Presented to Parliament  
by the Lord Chancellor and Secretary of State for Justice  
by Command of Her Majesty

February 2013

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## 1. About the consultation questions in this document

- To:** This consultation seeks views from staff and young people in youth custodial establishments, service providers in justice, education, detention and security, health, children services and wider social services, the judiciary, voluntary and community organisations and all those with an interest in young people. We also invite members of the public to respond.
- Questions:** Consultation questions (lettered 'a' to 'y') appear in text boxes throughout Chapter 5 ('Our vision for reform') and are collected in Chapter 7 ('Consultation questions').
- Duration:** From 14 February to 30 April 2013.
- Enquiries (including requests for the paper in an alternative format) to:** TransformingYouthCustody@justice.gsi.gov.uk  
Transforming Youth Custody consultation  
Ministry of Justice  
8.19, 102 Petty France  
London SW1H 9AJ  
020 3334 5393
- How to respond:** Responses to the consultation questions should be submitted online at <https://consult.justice.gov.uk/digital-communications/transforming-youth-custody>  
A number of consultation events will also take place. Details on these will be available at the web address above.  
Responses and outline proposals can also be submitted to the 'Enquiries' contact details above.
- Response paper:** A response to this consultation exercise will be published at: <http://www.justice.gov.uk>

## 2. Ministerial foreword



1. Under this Government, crime is down and offending by young people is down. The number of young people entering the criminal justice system is at its lowest for over a decade. We pay tribute to the work of the police, Youth Offending Teams, and other dedicated professionals who have all played a part in making this happen. However, there remains a hardcore of serious and prolific offenders, many of whom have racked up long criminal histories in their still young lives. Estimates suggest that nearly a third of youth crime is committed by just 5% of offenders. And at the moment, for this hardcore, a sentence in custody is not putting a stop to their criminal behaviour. Seven in every 10 young people released from detention go on to break the law again in under 12 months. It is clear that despite the effort and commitment of those who work in the youth secure estate, the system is failing to turn these young people's lives around, and we need to do things differently.
2. What's worse, we are also spending large sums of money to achieve such poor outcomes. Places in the secure estate in some cases cost more than £200,000 a year – five times the cost of sending a child to a top private boarding school. When we see many of the same young faces back at the gate within a matter of months, this level of spending cannot continue. We believe that with innovation and imagination, it is possible both to reduce the costs and improve the outcomes for society and for young offenders themselves.
3. Education is key to our vision. We want to see Secure Colleges providing education in a period of detention, rather than detention with education as an afterthought. Young offenders often lead chaotic lives and face complex problems, including substance abuse, unsuitable accommodation and emotional or mental health issues. Literacy levels are unacceptably low and the vast majority have in the past been excluded from school.

Custody provides the chance to end the chaos, to confront the multiple challenges these children face, and to impose boundaries that have all too often been lacking. But that is not enough. It is through education that young offenders will gain the qualifications and skills for employment, as well as come to understand the importance of individual responsibility, self-discipline and self-respect. It is these things that will enable them to engage constructively in society and to lead law-abiding lives. All young people should receive a high quality education that gives them the greatest chance of success. This is just as important, if not more so, for those who have started off in the wrong direction and ended up in custody.

4. In putting education at the heart of youth detention there is much we can learn from the Government's wider education reforms. The Free School programme has allowed a diverse range of innovative and tailored approaches to education to flourish. It is this expertise and innovation in improving outcomes for young people that we need to bring to youth custody.
5. We are also determined that having set young offenders back on the right track in custody, we keep them heading in the right direction on release. It is therefore vital that what happens in custody is much more effectively linked to what is happening in the community, and in particular that we think again about the transition from custody to everyday life.
6. With a number of contracts coming to an end in the near future, we have a rare opportunity to look afresh at the whole system. Reforms must be credible and affordable, but we are confident this does not preclude bold and imaginative ideas for change.
7. We are keen to engage the broadest range of people: providers in the education world, in youth services, those new to this sector, as well as those working in the estate now who know how it could be so much better. In this Green Paper we're inviting you to put forward innovative solutions that will improve value for the taxpayer, reduce reoffending and set young offenders on a path to a better life.
8. We look forward to hearing your views.



Chris Grayling  
Lord Chancellor and  
Secretary of State for Justice

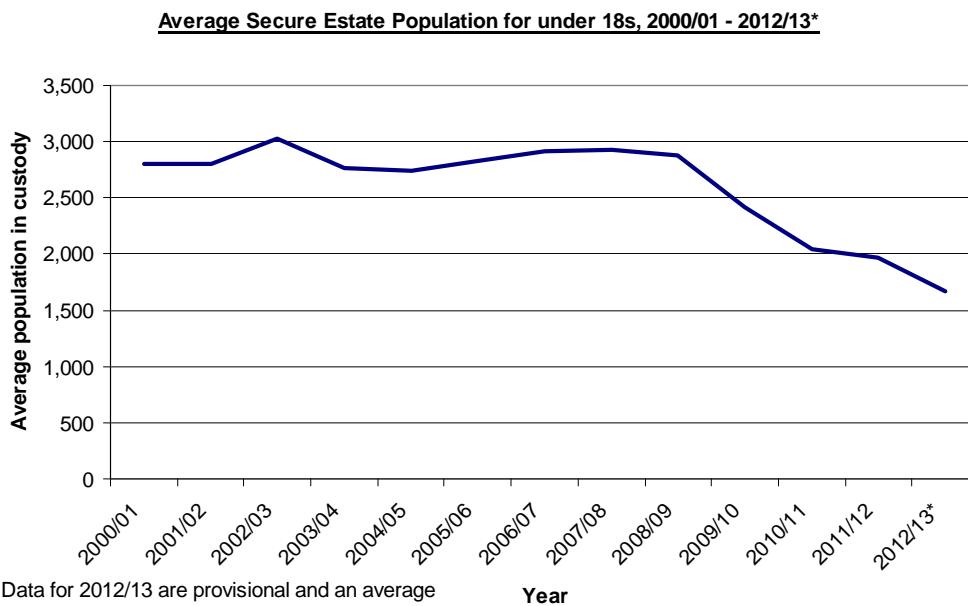


Michael Gove  
Secretary of State for Education



### 3. Key information about youth custody

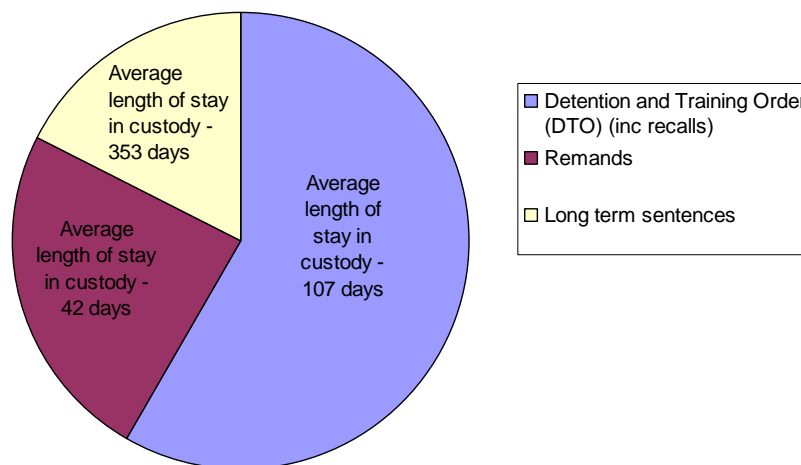
9. It is right that young people who commit serious and repeat crimes are sentenced to a period in custody. There are also circumstances in which it is right to securely remand young people. In the 12 months to June 2012, 3,645 young offenders (7% of those sentenced) received a custodial sentence. Overall crime<sup>1</sup> and proven offending by young people are both down, and the number of young people in custody has been falling as fewer young people have come into the criminal justice system.<sup>2</sup> In 2011/12 the average population of young people in custody (including those on remand) was 1,963, and between April and November 2012 it fell to 1,671.



10. The custodial estate in which those young people are detained must provide for all young people aged 10-17 years who are sentenced to custody. It must therefore cater for a range of age groups and sentence lengths, as well as individuals with complex problems. Alongside sentenced young offenders, the custodial estate also accommodates a significant number of young people who are held on remand while awaiting trial or sentencing, many of whom may only remain in custody for a short while.
11. Most of those sentenced receive a Detention and Training Order (DTO), half of which is served in custody and half in the community under the supervision of a multi-agency Youth Offending Team (YOT). The maximum length of a DTO is two years. Approximately 58% of young people in custody in 2011/12 were serving a DTO.

12. Sentences of more than two years are available for young people aged 10-17 years who commit very serious offences.<sup>i</sup> Approximately 18% of young people in custody are serving a long-term sentence.

**Breakdown of the 2011/12 secure estate population, by legal basis for detention (including 2011/12 average length of stay)**



13. Custodial places for under-18s are commissioned by the Youth Justice Board for England and Wales (YJB), who also place young people in custody and oversee local authority YOTs.
14. There are three sectors in the current youth secure estate: Secure Children’s Homes (SCHs), Secure Training Centres (STCs) and under-18 Young Offender Institutions (YOIs)<sup>ii</sup>. There are some significant differences between these three sectors of youth custody, both in terms of the regime and costs, yet reoffending rates are poor on release from each of them.

<sup>i</sup> Those sentenced under sections 90 and 91 of the Powers of Criminal Courts (Sentencing) Act 2000 and section 226B of the Criminal Justice Act 2003, the latter being amended by sections 123 and 124 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

<sup>ii</sup> All future references in this document to YOIs are to under-18 YOIs. There are also separate young adult YOIs which take adult offenders aged 18-21 years.

### Current sectors of the youth secure estate

#### **Young Offender Institutions (YOIs):**

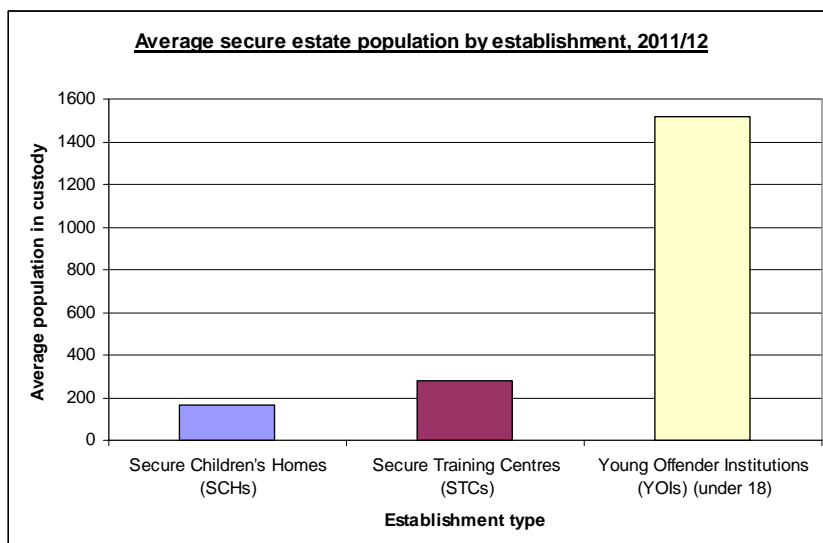
- YOIs are 40-440 beds in size, usually divided into smaller units of 30-60 beds.
- Accommodate 15-17 year old boys and some 17-year-old girls.
- Currently 11 in England and Wales, eight male and three small female units. Nine are run by HM Prison Service and two by private contractors.
- YOIs provide 15 hours education a week (plus 10 hours purposeful activity).
- Average cost of a place per annum is £65,000.
- 73% reoffending rate.

#### **Secure Training Centres (STCs):**

- Purpose-built custodial facilities for 12-17 year olds.
- 58-87 beds divided into small blocks holding 5-8 young people.
- There are currently four STCs, all run by private contractors.
- STCs provide 25 hours education a week.
- Average cost of a place per annum is £178,000.
- 70% reoffending rate.

#### **Secure Children's Homes (SCHs):**

- Smaller facilities run by local authorities with between 8-40 beds.
- Provide for 10-17 year olds, including some of the youngest and most vulnerable.
- Also accommodate children looked after by local authorities where courts have authorised that they may be detained for welfare reasons.
- Provide 30 hours education a week.
- Average cost of a place per annum is £212,000.
- 76% reoffending rate.



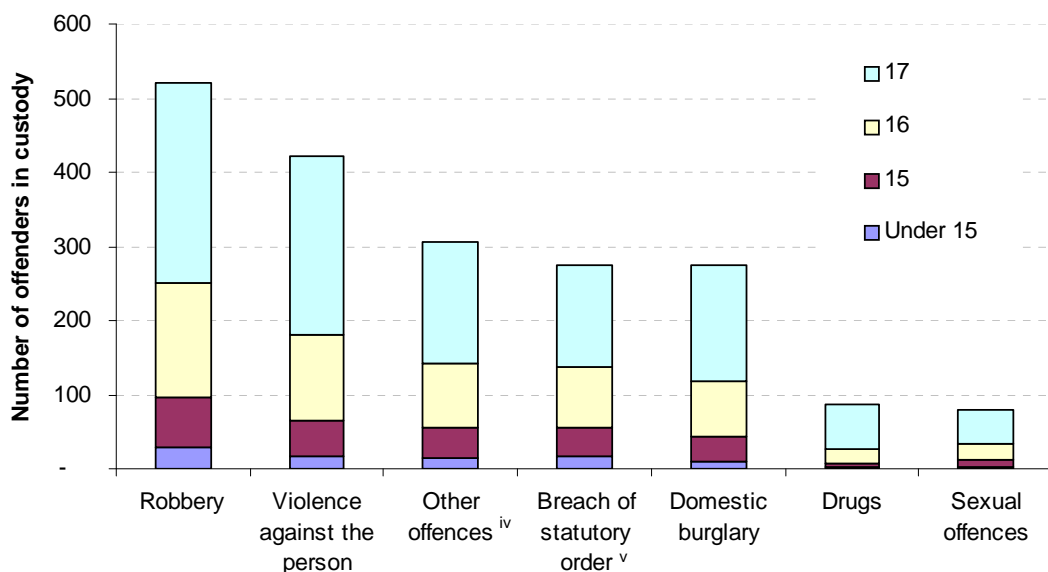
15. Young people in custody often have troubled backgrounds, including histories of local authority care, absent parents, mental health needs, disrupted education and in some cases self-harm (see details below).

### Profile of young people in custody

**In 2011/12:<sup>2</sup>**

- **Age** – 96% of young people in custody were aged 15-17 years, with only 4% being aged 10-14. 17-year-olds accounted for over half of the youth custodial population.
- **Gender** – Boys comprised 94% of all young people in custody, and girls just 6%.
- **Ethnicity** – Black and minority ethnic young people accounted for 29% of the youth custodial population.
- **Criminal histories** – Just over half of the young people released from a custodial sentence in 2010/11 had 11 or more previous offences.<sup>3</sup>

**2011/12 average under 18 custodial population by offence type<sup>iii</sup> and age**



<sup>iii</sup> For the primary offence.

<sup>iv</sup> The offences grouped under 'other offences' are arson, breach of bail, breach of conditional discharge, criminal damage, death or injury by dangerous driving, fraud and forgery, motoring offences, non-domestic burglary, public order offences, racially aggravated offences, theft and handling stolen goods, vehicle theft/unauthorised taking, and unknown and other offences.

<sup>v</sup> Breach of a statutory order is an offence of failing without reasonable excuse to comply with the requirements of an existing statutory order. The offence is only counted where the failure is proved to the satisfaction of the court and the original order is revoked and/or an additional order or other disposal is imposed.

### **Education**

- Half of 15-17 year olds entering public sector YOIs were assessed as having the **literacy levels equivalent to that expected of a 7-11 year old**.<sup>4</sup>
- 18% of sentenced young people in custody had a statement of special educational needs, compared to 3% in the general population.<sup>5</sup>
- Of 15-17 year olds in YOIs, 88% of young men and 74% of young women had been **excluded from school** at some point.<sup>6</sup>
- Of 15-17 year olds in YOIs, 36% of young men and 41% of young women were aged **under 14 when they last attended school**.<sup>6</sup>
- Research suggests generalised learning disability is more common in young people in custody, with a prevalence of 23-32% compared to 2-4% in the general population.<sup>7</sup>

### **Health**

- A 2011/12 survey of 15-17 year olds in YOIs found that 27% of young men in custody felt they had **emotional or mental health** problems.<sup>6</sup>
- About a fifth of sentenced young people in custody had tried to **harm themselves** at some point in their lives (compared to 7% of the general population), and around a tenth had tried to commit suicide at some point in their lives.<sup>5</sup>
- A recent review suggests that the **prevalence of neuro-developmental disorders (e.g. dyslexia, communication disorders and epilepsy)** among young people in custody is higher than in the general youth population.<sup>7</sup>
- Young people in custody have **disproportionately high levels of substance use**. In a self-report study of around 500 boys and girls aged 12-18, consumption of tobacco, alcohol and drugs far exceeded the average for the general population.<sup>8</sup> Cannabis was by far the most commonly used drug, followed by ecstasy and cocaine.<sup>9</sup>

### **Complex backgrounds**

- A 2011/12 survey of 15-17 year olds in YOIs, found that 30% of young men and 44% of young women reported being in local authority care at some point.<sup>6</sup>
- A study into the background and circumstances of 200 sentenced young people within the secure estate found:<sup>5</sup>
  - 76% of young people have an absent father and a 33% an absent mother;
  - 51% of young people in custody come from **deprived or unsuitable accommodation**; and
  - 39% had been on the child protection register or had experienced abuse or neglect.

### **Education in custody**

16. Many young people sentenced to custody have poor records of educational engagement and attainment, and low levels of basic skills.<sup>4, 6</sup> There may also be young people in custody who have achieved well beyond basic skills levels and who need and want to continue their academic education while detained. A 2011/12 survey of 15-18 year old young men in prison found that almost two-thirds of those receiving education in prison felt that their education would help them when they were released. In addition, over half of young men surveyed said they were planning to go back into education or training once they left custody.<sup>6</sup>

17. To ensure that young people receive effective education while they are in custody, establishments should already be conducting initial educational assessments of literacy, numeracy and any particular learning needs. This should happen as soon after arrival as possible and be informed by information from the schools, community services and YOTs that have worked with the young person previously. Following this assessment, the custodial provider should develop a learning plan to ensure that, while the young person is in custody, they benefit from education and training designed to meet their particular needs.

## 4. The case for change

### Reducing reoffending

18. The principal aim of the youth justice system is to prevent offending by children and young people, and it should do this through a combination of preventative early intervention, punishment for those who break the law, and rehabilitation to get young offenders back on the right track.
19. A significant programme of cross-Government reform seeks to ensure that young people get a high quality education, the most troubled families are supported to turn their lives around, children who are taken into care are found permanent homes with loving families where that is in their best interests, and parents are assisted and encouraged to lead productive lives and be role models for their children.
20. When young people do commit crime, the youth justice system seeks to stop it escalating with strong intervention by the police and multi-disciplinary YOTs.
21. It is encouraging that we have significantly fewer children entering the criminal justice system and fewer ending up in custody than at any point in the past decade. The work of YOTs, rooted in local communities, has played an important role in achieving these results.
22. However, the system is failing when it comes to those young people who do break the law and end up in custody. 73% of young offenders who are released from custody reoffend within 12 months. This is unacceptably high, and the worst anywhere in the criminal justice system. It suggests that the vast majority of those in youth custody are already set upon a life of crime, and a period in detention is currently having little or no impact on the likelihood they will break the law again. This has got to change.
23. A hardcore minority of repeat offenders commit the majority of proven youth crime. The National Audit Office estimated that around 5% of young offenders were responsible for almost a third of all proven offences.<sup>10</sup> These persistent young offenders cause serious harm to neighbourhoods and communities, and they are all too likely to become the adult criminals of tomorrow. We have to stop this vicious cycle of crime by ensuring that youth detention is a time to turn young people's lives around, and that progress made in custody is continued on release so they do not go back to breaking the law.
24. The boys and girls in youth custody are some of the most complex and disengaged in society,<sup>vi</sup> and their behaviours have often become

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<sup>vi</sup> As shown in the 'Profile of young people in custody' box.

entrenched despite the hard work of some dedicated practitioners. But that is not an excuse, either for them or for the youth justice system, not to do better. Custody may well represent a rare period of stability in otherwise chaotic lives, and as such presents a key opportunity to set these young people on a different track. This is time that can and should be used to put them on the path to a better life, combining the education and wider support that motivates, challenges and achieves results with young people, and which can be continued and built upon after release.

### **A focus on improving education**

25. The vast majority of young people in custody have been excluded from school at some point<sup>6</sup> and about half entering YOIs have literacy or numeracy levels well below the expected standard for their age<sup>4</sup>. Some young people in custody can also lack a sense of personal responsibility, self-respect and self-discipline, and can struggle to interact constructively with others.
26. The Government believes education is central to the response to this problem. Low levels of educational achievement and engagement are linked to an increased risk of offending<sup>11,12</sup> and wider social problems.<sup>13,14</sup> Education and training can be a means to gain the qualifications and skills for employment, understand the importance of individual responsibility and build self-respect, all of which enable a young person to engage constructively in society and lead a law-abiding life.<sup>13</sup> Without this, the chances of a decent future are slim. All young people should receive a high quality education that gives them the greatest chance of success, and this is just as crucial for those who have started off in the wrong direction and ended up in custody.
27. Currently, education varies across the different types of establishments in the youth secure estate, and quality is patchy. Frequently, young people do not get the required hours of education. The reasons for this might be complex, but education has to be a priority. We also know that the process of needs assessment and information sharing is not working effectively everywhere. An Ofsted report<sup>15</sup> indicated that risk assessments of young offenders contained insufficient information on learning and attainment and did not record accurate information about young people who had additional learning needs. Many establishments have described the difficulty of getting the documentation they need from local authorities, schools, health services and other professionals. Sometimes this documentation does not exist at all.
28. The Children and Families Bill, currently being considered by Parliament, includes provision to introduce Education, Health and Care Plans for young people with the most complex needs. The provisions also place duties on local authorities and YOTs to work together when assessing the needs of young offenders with special educational needs, meaning that YOTs will be involved when local authorities draw up Education, Health and Care Plans for young people who have been in custody. The provisions will also make information sharing easier when a young person enters custody.



29. Overall, there is insufficient join-up between education services and systems both within custody and between custody and community, with the result that time is wasted and opportunities to make progress are lost.
30. Young people should be leaving custody with a placement in education, training or employment secured, but a survey indicates that two thirds of them leave with no such placement, and of those that do only half are still engaged after one month.<sup>16</sup> To tackle this the Government has announced plans to extend the Youth Contract programme for 16 and 17-year-olds to ensure all young people leaving custody can get the support and challenge they need to enter education, training or employment with training, but custodial establishments themselves need to contribute to this effort before release.
31. There is plenty of hard work and skilled practice among dedicated professionals across all sectors, and we must draw on it. But if we are to take advantage of a period in custody to set young people back on the right track, we need a whole system that provides intensive education during a period of detention, rather than one where education takes second place.

### Reducing costs

32. For such disappointing results, the costs of youth custody are far too high. In 2012/13 the Ministry of Justice and YJB have budgeted that £245m will be spent on commissioning the youth secure estate. This equates to an average cost of almost £100,000 a place per annum – far higher than the average cost of a place across the whole National Offender Management Service (NOMS) estate at £38,000 per annum<sup>vii</sup> – and in some circumstances we are paying more than £200,000 per annum. At a time of significant financial challenge, and faced with such poor outcomes, things have to change.
33. We have been working to drive efficiencies right across the criminal justice system, and expect to reduce further the total cost of the youth secure estate by 2014/15. But we believe that by taking a different approach to youth custody there is considerable scope to drive down costs significantly further, while at the same time delivering improved outcomes for young people and cutting reoffending.

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<sup>vii</sup> The main differences between the average cost per place in youth custody (£100,000) and the average price per place in the NOMS estate (£38,000) are:

- a) The YJB calculates an average price per place per annum, based upon the YJB budget allocations at the beginning of each financial year for those services it is responsible for commissioning for young people (the latest year available is 2012/13). NOMS calculates costs for prisons using expenditure at the close of the financial year (2011/12 is the latest year available) for all expenditure incurred by NOMS.
- b) NOMS publish an average price per place across the whole NOMS estate. This was £38,000 in 2011/12. This figure includes expenditure costs in under-18 YOIs and excludes education costs. Costs of the youth secure estate include education costs. A breakdown of the average cost per place by individual establishments is available at: <http://www.justice.gov.uk/downloads/statistics/prison-probation/probation-workforce-stats/prison-costs-tables-11-12.xls>. Please note, where a prison serves more than a single function, NOMS categorises that prison according to its main function.

## **A chance for change**

34. The case for change is therefore compelling. This Government has already embarked upon a radical programme of reform in education, in welfare and in the rehabilitation of adult offenders. Reforms are focused on reducing costs through competition, encouraging innovation by inviting in diverse providers, and driving effectiveness through a focus on outcomes.
35. The youth secure estate has developed over the last 40 years to produce a complex landscape of establishments with different services and standards, and supply is often not geographically aligned to demand. Many people in the system are working hard to drive improvements with some very challenging young people, but in spite of significantly differing and excessively high costs, reoffending outcomes are consistently unacceptable. The position today is not how we would design it now.
36. The current contracts for many STCs and SCHs, as well as for education provision in public sector YOIs, are due to expire during 2013 and 2014. At the same time we are continuing to adjust the capacity of the youth secure estate to ensure it reflects demand. These factors make now a good time to take a fresh look at our current estate and to seek a wide range of views on how we can ensure custody contributes to lower reoffending rates, improved outcomes for young people and better value for the taxpayer. We have a rare opportunity to consider a truly transformative new approach, and this consultation will test both the appetite and ideas necessary to deliver real change. We need to achieve this in a way that is affordable within the context of the Ministry of Justice's commitment to deliver annual savings of over £2 billion by 2014/15, and which looks forward to the next Spending Review.

## 5. Our vision for reform

### Education reforms – informing our vision for change

37. In putting education at the heart of our reforms to youth custody, we are working within a context of radical reforms to the way education is delivered for all young people.
38. Over the past three years the Government has enabled more schools than ever to become Academies, securing improvements in standards well above the national average and turning around some of the worst-performing secondary schools in the country. Schools which had become sink schools with chronically low aspirations, poor behaviour and a culture of failure are now centres of excellence and engines of social mobility.
39. In 2010 the Government extended the Academies programme to allow for the creation of Free Schools, providing the opportunity for new entrants to education provision in areas where parents are dissatisfied with what is available. Free Schools are non-profit making, independent, state-funded schools set up in response to real demand within a local area for a greater variety of schooling. These schools are the result of the unique visions of a wide range of proposers – including charities, universities, businesses, educational groups, visionary teachers or committed parents – to make a difference to the education landscape. Free Schools give providers the flexibility to innovate and tailor their curriculum and methods to the specific needs of their pupils, while requiring them to demonstrate a viable financial case for funding and good quality results. Youth custody must learn from this change.
40. The Government has also introduced major reforms to the curriculum at both 14-16 and 16-19. At 14-16 young people focus on core skills and learning, and in particular maths and English, GCSEs and a restricted number of 'high value' qualifications. From September 2013, 16-19 study programmes will be introduced. All young people who have not achieved a Grade C or above in GCSE maths and English will continue to study those subjects post-16. They will also be given the opportunity to pursue study programmes which either combine larger academic or vocational qualifications, or an extended period of work experience focused on education or employment goals.
41. For those who cannot or will not participate in mainstream education, the Education Act 2011 allowed for the establishment of Alternative Provision Free Schools. In September 2012, the first Alternative Provision and Special Free Schools opened, ensuring that the most vulnerable young people can benefit from new and innovative approaches to education. Ambitious reforms are also underway to improve outcomes for young people with special educational needs. With a large proportion of young people in custody excluded from school at some point<sup>6</sup> or identified as

having special education needs,<sup>5</sup> our challenge is to ensure that they are able to benefit from the support and opportunities these wider reforms present, at the same time as facing up to the consequences of their offending behaviour.

42. The review of Alternative Provision by Charlie Taylor<sup>17</sup>, the Government's former expert adviser on behaviour, made recommendations to improve the outcomes for children who, because of exclusion, health needs, or other reasons, are outside of mainstream education. Implementation of these recommendations is well underway, and includes measures to improve the quality of teaching in alternative provision, removal of bureaucracy which prevents pupils from remaining in the most appropriate provision, and publication of guidance which for the first time makes explicit expected standards. The Government has also encouraged broader innovative approaches to raising standards for these pupils, including through the use of provision with a military ethos. Charlie Taylor's starting point was that the focus of provision for pupils in alternative provision, including excluded young people, should be about getting high quality education for *all* pupils and the best value for public money, just as it is in mainstream schools. This means that provision must meet the needs of pupils and give them a good education on a par with the mainstream. Education provision in custody must share that starting point.

### **Secure Colleges: education with detention**

43. Our vision is for a youth estate of 'Secure Colleges'. These facilities will have education at their heart, equipping young offenders with the skills and qualifications, self-respect and self-discipline to turn their backs on crime for good. Young people in Secure Colleges should return to the community more focused on and engaged with the opportunities that an improved education has made available to them.
44. To achieve intensive education combined with a period of detention, we will need to attract a diverse range of providers into the market, drawing in both education expertise and security experience. We recognise that this may require strategic partnerships between organisations with differing expertise, and could include opportunities for new public sector mutuals to be set up by staff currently working in the sector. We are keen to hear proposals from as broad a range of stakeholders and providers as possible in order to turn the concept of Secure Colleges into a reality.

## Tailoring education to young people in custody

45. Basic educational skills, such as literacy and numeracy, will always be important in equipping young people for further learning or employment, and we want to see young people in custody achieve outcomes in these areas. Beyond that, some may come into custody with higher levels of education, have qualifications already and want more. Others have tasted the world of work and would benefit from developing vocational skills, so links between custodial providers and employers may be beneficial. Some will also have special educational needs, learning difficulties or learning disabilities,<sup>viii</sup> a number of whom will have had an Education, Health or Care Plan prior to entering custody. Their needs must be appropriately catered for. For young people entering custody at school age, we must set the same expectations as we do in mainstream provision.
46. With the raising of the school participation age to 17 from 2013 and 18 from 2015, post-16 provision should also reflect the expectations and opportunities of mainstream provision. In practice this means offering all students a 16-19 study programme in custody, recognising that courses may have been started in the community and in some cases will be completed in the community after release. Nevertheless the principles should be the same: a clear focus on the student's employment and educational goals, a level of provision which reflects their ability, a continued focus on the development of maths and English and a mix of qualification or non-qualification activity.
47. Within the custodial environment, the regime and space might enable education and learning in a number of different forms. With the right teaching and support, some young people may thrive in a classroom. In other cases, though, traditional methods may not work, and results might be better achieved in vocational workshops. Sometimes music and sport could be linked with improving understanding of numbers, team work and communication, and mealtimes could be an opportunity to learn catering as well as social skills. We do, though, want to see structure and rigour in the education provided, with clarity about what skills are being developed and what progress is being made.
48. Youth custody must also cater for the whole age range of young people, through to the age of 17. The majority are 16 and 17, but some are younger, and levels of physical and emotional maturity vary widely at every age. Some also remain in the youth secure estate when they reach 18 because they have limited time left to serve or are on remand and awaiting a court hearing, and it makes sense to avoid disruption at what can be a crucial stage in enabling them to take responsibility and change. This can be particularly important for young people with special educational needs. We want to continue and build on that practice.

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<sup>viii</sup> As shown in the 'Profile of young people in custody' box.

**Consultation questions:**

- (a) How should we best engage young people in custody in education and training? What evidence is there of different approaches that work well?
- (b) How would you segment the young people in custody to deliver education and training?
- (c) How might the educational balance in Secure Colleges best be struck between basic skills (literacy, numeracy, etc.), traditional academic subjects, vocational learning and wider life skills such as self-respect and self-control, communication and teamwork?
- (d) How can we best meet the needs of young people with learning disabilities, special educational needs or mental health needs, and how might Education, Health and Care Plans be used to ensure appropriate special educational provision is in place?

**Meeting the wider needs of young people in custody**

- 49. Young people in custody frequently present a range of social, emotional and health needs<sup>5, 6, 7</sup> which have to be taken into account in designing and then engaging them in education, and some of them will be looked after children or care leavers. In some cases these needs will have to be met or problems tackled before the young person can make educational progress. Experience in co-commissioning suggests there is an opportunity to develop strong partnerships with health providers and those with experience of improving offenders' thinking and emotional wellbeing, teaching young people how to deal with conflict, improving communication and instilling self-respect and self-discipline. If we do not tackle these wider needs alongside education for those that require it, we will not enable them to turn their lives around.
- 50. The custodial population is overwhelmingly male, but there is a small number of girls in the estate. In common with boys, they have many complex needs and vulnerabilities. There is also evidence that some aspects of custody impact differently on females than males<sup>5, 6</sup> and some may be mothers of young children. It is crucial that custody meets their needs.
- 51. A number of young people in custody across the age range can be disruptive, some have been convicted of very serious offences and some can represent a safeguarding threat to others in custody. Practitioners from some secure establishments report that they have seen an increasing number of young people affiliated with gangs, including conflicting affiliations within a single establishment, and that this can lead to increased violence and intimidation. Custody must deal with all these challenges, preventing escalation and responding with safe methods to control behaviour where necessary. This is essential to create an environment in which young people in custody can engage in education and training.

52. There is a group of children in custody who are especially damaged and need support services which include a greater focus on therapeutic care alongside education and health. At present many of these young people in custody are held in SCHs (sometimes alongside children with similar needs who have been placed there by local authorities for welfare reasons) and STCs, and some are in specialist units elsewhere in the estate. As we implement our vision for Secure Colleges, we will ensure that separate specialist provision continues to be available for the most troubled and vulnerable young people whether they are in custody or need this care for welfare reasons.
53. The Secure College model must draw on the work and learning of some outstanding practitioners, both in custodial establishments and community services, and the flexibility and innovation needed to cater effectively for all groups of young people in custody, for their own good and for the good of the public.

**Consultation questions:**

- (e) How would young people best be kept safe and secure in your model of a Secure College?
- (f) How should we best approach the particular challenges of a group of young people in custody (such as, the youngest, the most vulnerable, the most dangerous and most disruptive) and ensure their needs are met? Could this group be managed within your model of a Secure College?
- (g) What are the other key services you would deliver, or establish partnerships with, within a Secure College both to support the provision of high quality education to young people in custody and to prevent them from offending on release?
- (h) How can we best meet the needs of young people in custody who are looked after children or care leavers?
- (i) What skills, competencies and experience should staff have to successfully meet the needs of young people in custody? As a provider, how would you ensure that your workforce met these requirements?

**Closing the gap between custody and community**

54. A relatively small number of young offenders will receive long custodial sentences, but the vast majority receive shorter DTO sentences, with the average time spent in custody for DTOs being just over three months.
55. However long a young person spends in custody, that period in their life must be integrated with the time after release, as well as drawing on learning and services they have had access to beforehand. It is particularly important that progress achieved in custody during the first half of a young person's sentence is sustained on the outside during the second half, but too often it is lost as a result of poor resettlement. We need to change this.

56. We believe that there is considerable scope for innovation in the transition between custody and community. A Secure College that looks both inwards to young people in custody and outwards to young people in the community might provide opportunities to share expertise and resources, as well as better integrating with the work of YOTs and increasing the continuity between custody and community that is not being achieved at present. Given the type of young people in custody, direct links with mainstream schools may not be appropriate, but there may be potential for exploring models similar to the best Pupil Referral Units, or partnerships with existing alternative or specialist education provision in the community, including boarding schools. Alternatively, by using intensive and rapid learning techniques, it may be possible to achieve transferable qualifications explicitly tied to a place at a local college or an apprenticeship on release.
57. For many young offenders, custody represents an unprecedented exposure to the boundaries that most of us have taken for granted since early childhood. An immediate cut-off from this on release may well contribute to early reoffending. A degree of continuity, therefore, in a structured environment as well as in education provision, is important as it will likely prevent young people from being set up to fail when their time in custody ends. Families and carers have an important and constructive role to play here, both while a young person is in custody and in supporting them after release.
58. When young offenders are eligible for release, new technologies such as GPS electronic monitoring can help to provide structure and incentives to promote sustained rehabilitation. Non-secure residential facilities, co-located with Secure Colleges, could also play a part. If feasible and affordable ideas are put forward that recognise the potential advantages of a gradual transition to the community, we would be interested in exploring these.
59. We are open to considering changes to the way the DTO sentence operates if it is insufficiently flexible to deliver promising proposals and foster stronger links between custodial and community provision. In particular, we want to hear views on how different lengths of time in custody impact on the education and training outcomes that can be achieved with young people, and how links with new or existing education provision in the community might offer opportunities to continue progress begun in custody. Links may be achieved with providers who are already delivering services for local authorities.
60. For those young people that end up in custody, we must use this chance to achieve change. But the time spent outside custody is also critical if we are to have a real impact. Both inside and out, a young person may access a whole range of services that could make a real difference to their lives. But too often we do not create the right incentives to achieve sufficient join up between them, and young people can miss out on the vital support they need to successfully re-enter the community. We need to strike the most effective balance between meeting national objectives – to improve education and reoffending outcomes while driving down costs and meeting



demand – and integrating with existing education and wider services locally. We would welcome views on creating the right incentives and accountabilities for central government, custodial providers, YOTs and children services, as well as the wider range of local partners, to achieve this.

**Consultation questions:**

(j) How would your model of a Secure College support young people leaving custody to get placements in education, training or employment on release and support them to maintain this engagement?

(k) More broadly, how would your model of a Secure College support greater co-operation between or integration of custodial and community services?

(l) What scope is there for education provision in a Secure College to be continued when a young person is released from custody, and does the current legislative and policy framework provide sufficient flexibility?

(m) How long is required to achieve tangible progress with groups of young people in custody, and between custody and community?

(n) What incentives or accountabilities could be put in place to promote custodial and community services to work effectively in partnership before, during and after a young person is in custody, with the aim of securing improved longer-term outcomes?

(o) How can we design our approach to ensure that the widest range of providers with relevant experience can participate?

## **The physical environment and meeting demand**

61. Providers and stakeholders are encouraged to consider the most appropriate physical environment for delivering intensive education combined with a period of detention that will cut reoffending, protect the public, and reduce costs.

62. We will not forget that a custodial sentence is a punishment, and often essential for the protection of the public. The physical environment and regime should reflect that, and there must be appropriate levels of security. However, we are also dealing with young people who may be vulnerable and who can often have complex problems, so the environment should not be intimidating and must be conducive to effective education and rehabilitation.

63. The Ministry of Justice has a considerable estate of youth custodial establishments, currently comprising 11 under-18 YOIs<sup>ix</sup> and four STCs. In addition, local authorities have a network of SCHs. We would be keen to hear how providers might make use of or adapt these facilities in developing their proposal for a Secure College. Equally, if providers felt

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<sup>ix</sup> This number will reduce to 10 YOIs when Ashfield YOI is re-roled to an adult prison, as announced on 10 January 2013.

that their vision of a Secure College required a very different physical environment, we are open-minded and prepared to listen to what this might be, how it might be delivered and at what estimated cost.

64. The youth custodial estate serves the whole of England and Wales, and a network of Secure Colleges will need to meet the overall demand for custody, while recognising the concentrated demand in particular areas (London, the West Midlands, the North West, and Yorkshire<sup>2</sup>) and the need to serve effectively the regions of England and Wales.
65. There is some evidence to suggest that supportive and positive relationships with family may help some offenders to desist from further offending<sup>13</sup>. Equally, for some young people family relationships and wider support networks in their home community are critical to supporting both positive outcomes in custody and effective resettlement after release and pursuit of a law-abiding life. We have to find ways of maintaining these links, but with the youth custodial population falling, maintaining an estate which effectively services the whole of England and Wales presents a challenge, and will likely continue to do so. That said, for other young offenders a period of time away from disruptive influences can be crucial to achieve sustained change. Providers are therefore encouraged to find imaginative ways to overcome these competing issues, while no doubt considering the impact of economies of scale on reducing cost.
66. In responding to this challenge, we will need to take account of the different position in Wales where education provision and most of the children services that resettle young people and provide ongoing support are devolved.

**Consultation questions:**

- (p) How many young people should be held in an individual Secure College?
- (q) Where should Secure Colleges be located, and how might a network of such establishments that served England and Wales be configured? How would you manage the impact this might have on family and community links?
- (r) What physical environment might be required? How and to what extent could such a model be implemented within the existing youth secure estate?
- (s) What are the key ways in which the costs of youth custodial provision can be driven down, recognising the constraints on public finances and the need to make significant savings?
- (t) If you have a proposed model, what is your estimate of how much it might cost to (i) set up and prepare for opening, and (ii) operate?
- (u) If the physical environment envisaged by your proposed model could not be delivered within the existing youth secure estate, what would be the estimated cost of securing new facilities and how might this be funded?

### **A focus on outcomes**

67. We are clear that youth custody must do things differently if young offenders are to learn to go straight and improve their educational outcomes. However, we do not wish to prescribe how providers might achieve this. The reforms in education have shown that if providers are given freedom and flexibility to develop approaches tailored to the children who will benefit from the service, then innovation and improved outcomes will follow. We want to foster the same radical thinking from providers and stakeholders in relation to youth custody.

68. Our reform of adult rehabilitation includes a strong focus on paying providers by results. We want to consider how we might apply aspects of that approach here, though we recognise there are some challenges, due to small numbers and a lack of historical data on educational achievements. We would like to invite providers to submit proposals on how we can pay them for achieving better educational outcomes. It might be that these are basic qualifications, for instance in literacy, numeracy, or more vocational skills valued by employers such as those in catering or ICT. In all cases the aim should be achievement or progress towards the same standards set for all mainstream pupils. We also want to consider how we can best create incentives and assess custody providers' contribution to reducing reoffending. Time might be short in custody, so we recognise that there is a limit to what can be achieved. But we do believe a focus on results is critical to driving change and we want to hear views on what could be expected, measured and used as the basis for a payment by results programme.

***Consultation questions:***

(v) How can tangible educational progress for different segments of the young people in custody best be measured, including by qualifications?

(w) How might a payment by results or incentive approach apply to a Secure College, and what outcomes should it focus on?

## 6. Helping to deliver our vision

69. Our vision for Secure Colleges places education at the heart of youth custody, with young people being punished but also learning to take responsibility, to improve their skills, and to lead productive, law-abiding lives. We are setting the policy objective and are inviting ideas on how to deliver this vision.
70. There are few parameters, and plenty of scope for innovation. We are clear that we need to improve education and reoffending outcomes, and reduce costs. We are clear too that young people need to be held safely in secure conditions in an environment that reflects different needs in terms of age, sex, education and skills, emotional and physical wellbeing. But we are also clear that young offenders are sentenced to custody as a punishment and for the protection of the public, so education with detention is what we want to see.
71. We have set out the opportunities provided by the DTO sentence, and the importance we attach to the transition between custody and community. We have highlighted our interest in innovative approaches that link secure and non-secure provision while sustaining structure for young people. Where respondents tell us that the constraints of the youth justice system and the legal and policy frameworks represent barriers to change, we will look at these. At all times, we must consider what is affordable and feasible, delivering better outcomes and improved value for taxpayers' money.

### For all respondents

72. This consultation seeks views from staff in youth custodial establishments, service providers in justice, education, detention and security, health, children services and wider social services, the judiciary, voluntary and community organisations and all those with an interest in young people. We are producing a young person's version of this consultation which will be available on the Ministry of Justice website, and we will seek to consult directly with young people in custody. We also invite members of the public to respond.
73. We list below all the consultation questions on which we would welcome responses. These are also included in text boxes throughout Chapter 5 ('Our vision for reform'). All respondents are welcome to provide views on any of these questions. We are also particularly keen to hear from providers about how you would help us deliver this vision.

## Existing and potential providers

74. The Government believes that the public, private and voluntary sectors all have a major contribution to make both to the conversation and to delivering our vision for Secure Colleges. We would like existing and potential providers responding to the consultation to consider how a model of a Secure College would serve the demand for youth custody in England and Wales, including where they might be located and the optimum size of such establishments.
75. Some organisations might choose to develop a proposition for the entire youth secure estate, while others might focus only on what an individual Secure College might look like. We will be interested to receive responses on both. Equally, some might wish to provide ideas on one aspect of provision. Others might feel that they can (either on their own or in partnership) provide all aspects. And in thinking about the physical environment of a Secure College, responses should consider the extent to which a model might make use of our existing youth custodial estate (whether as it is now or with some modification) or other existing facilities not currently used for this purpose, or whether new facilities may be required, and how affordable this would be.
76. Ideally, we would like interested parties to develop propositions of their vision for implementing Secure Colleges. Some may choose to do this in the form of an outline proposal which responds to our consultation questions and describes:
- their model for a Secure College, or the services they would provide within a Secure College;
  - how they would implement our vision;
  - the outcomes they would deliver; and
  - indicative and provisional estimates of what this might cost.
77. We are prepared to listen to radically different approaches provided that they meet our twin challenges of improving outcomes (education and reoffending) and driving down cost.
78. If responses to this consultation demonstrate that there is innovation and capability in the market to improve outcomes and reduce cost then we will refine our vision and seek to move quickly towards commissioning and competition for a new form of youth custody. We will decide in doing so on the scale and nature of any competitions we wish to run.
79. We will be unable to treat any consultation responses, including proposals, as confidential. We reserve the right to use anything submitted to inform our requirements and future competition.

## 7. Consultation questions

### All consultation questions – for all respondents and providers

#### *Tailoring education to young people in custody*

- (a) How should we best engage young people in custody (both sentenced and remanded) in education and training? What evidence is there of different approaches that work well?
- (b) How would you segment the young people in custody to deliver education and training?
- (c) How might the educational balance in Secure Colleges best be struck between basic skills (literacy, numeracy, etc.), traditional academic subjects, vocational learning and wider life skills such as self-respect and self-control, communication and teamwork?
- (d) How can we best meet the needs of young people with learning disabilities, special educational needs or mental health needs, and how might Education, Health and Care Plans be used to ensure appropriate special educational provision is in place?

#### *Meeting the wider needs of young people in custody*

- (e) How would young people best be kept safe and secure in your model of a Secure College?
- (f) How should we best approach the particular challenges of a group of young people in custody (such as, the youngest, the most vulnerable, the most dangerous and most disruptive) and ensure their needs are met? Could this group be managed within your model of a Secure College?
- (g) What are the other key services you would deliver, or establish partnerships with, within a Secure College both to support the provision of high quality education to young people in custody and to prevent them from offending on release?
- (h) How can we best meet the needs of young people in custody who are looked after children or care leavers?
- (i) What skills, competencies and experience should staff have to successfully meet the needs of young people in custody? As a provider, how would you ensure that your workforce met these requirements?

#### *Closing the gap between custody and community*

- (j) How would your model of a Secure College support young people leaving custody to get placements in education, training or employment on release and support them to maintain this engagement?
- (k) More broadly, how would your model of a Secure College support greater co-operation between or integration of custodial and community services?

- (l) What scope is there for education provision in a Secure College to be continued when a young person is released from custody, and does the current legislative and policy framework provide sufficient flexibility?
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- (o) How can we design our approach to ensure that the widest range of providers with relevant experience can participate?

***The physical environment and meeting demand***

- (p) How many young people should be held in an individual Secure College?
- (q) Where should Secure Colleges be located, and how might a network of such establishments that served England and Wales be configured? How would you manage the impact this might have on family and community links?
- (r) What physical environment might be required? How and to what extent could such a model be implemented within the existing youth secure estate?
- (s) What are the key ways in which the costs of youth custodial provision can be driven down, recognising the constraints on public finances and the need to make significant savings?
- (t) If you have a proposed model, what is your estimate of how much it might cost to (i) set up and prepare for opening, and (ii) operate?
- (u) If the physical environment envisaged by your proposed model could not be delivered within the existing youth secure estate, what would be the estimated cost of securing new facilities and how might this be funded?

***A focus on outcomes***

- (v) How can tangible educational progress for different segments of the young people in custody best be measured, including by qualifications?
- (w) How might a payment by results or incentive approach apply to a Secure College, and what outcomes should it focus on?

***Equality and diversity***

- (x) What are the likely impacts of our proposals on groups with protected characteristics? Please let us have any examples, case studies, research or other types of evidence to support your views.

***Additional comments***

- (y) Do you have any further comments on our proposals in this document for transforming youth custody?

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