

Written evidence submitted Local Government Association (LGA)

8 January 2021

1. About the Local Government Association (LGA)

- 1.1. The Local Government Association (LGA) is the national voice of local government. We are a politically-led, cross-party membership organisation, representing councils from England and Wales.
- 1.2. Our role is to support, promote and improve local government, and raise national awareness of the work of councils. Our ultimate ambition is to support councils to deliver local solutions to national problems.

2. Summary

- 2.1. Many young people have already experienced multiple disadvantages and may have missed a significant proportion of education by the time they enter the prison system. [Evidence shows](#) that the majority of young people in custody have been excluded from school; up to 90 per cent of young people sentenced to custody in a [Ministry of Justice study](#) had been excluded and [exclusion will often have been a trigger point](#) into the criminal justice system. On top of this, a [high proportion](#) of young people in custody will have been or be in care, have a special educational need or disability and significant mental health problems.
- 2.2. Furthermore, the system disproportionately affects certain groups with black and some minority ethnic groups being disproportionately represented in school exclusion figures and within youth justice services. Black children are twice as likely, and mixed heritage children 50 per cent more likely, to be excluded from school than their white counterparts. Black and Minority Ethnic (BAME) children, viewed as a single group, are [over-represented in the youth justice system](#): while 18 per cent of the 10-17 population come from a minority ethnic background 27 per cent of children cautioned or convicted in 2019 were of BAME origin.
- 2.3. Quality education or training within custody is essential for children and young people. This is to enable better mental health and wellbeing whilst in custody, improve the environment in custody, for example, reducing violent behaviour and to support them to re-enter their community on release and to improve their outcomes.
- 2.4. Those with additional learning needs should be provided with the right support and education to improve their chances of not entering into crime. [Evidence from the Youth Justice Board](#) shows that in 2016, 1 in 3 young people in custody had a learning disability, this compares to 1 in 6 in the general population.
- 2.5. Education has also been recognised as a factor in contributing to reducing re-offending, however, for many young people in custody the quality of education remains low, and therefore it is unsurprising that

there remains a high rate (close to 40 per cent) of re-offending among young people.

- 2.6. There is significant difference between the sorts of custodial institutions that a child or young person may be placed in, and the quality of their education and support, with secure children's homes providing higher quality education than young offenders institutions, for example.
- 2.7. Children and young people with additional needs, such as learning disabilities or mental health, are not having these needs met and will not have experienced any positive improvement in these additional needs when they leave custody.
- 2.8. In some settings, staff do not have sufficient skills to educate young people, or insufficient effort is made for them to access education.
- 2.9. COVID-19 has had a significant impact on the education of children and young people in custody, with many being locked in their rooms for several hours. The education of segregated children has, however, been an issue before the pandemic with segregated children not accessing education. This has also varied between different institutions.
- 2.10. It is essential that there is effective join up between local authorities and custodial settings to sufficiently support a child or young person back into the community. However, as local authorities do not have oversight over the experience of a young person in custody, they are often having to deal with the shortcomings of the custodial system when the young person is released.
- 2.11. Due to funding reductions for local government and increased need for urgent child protection work, council spending on youth services has had to be cut by 69 per cent since 2010/11, from £1.4 billion to £429 million. [More than 4,500 youth work jobs have been cut and 750 youth centres closed](#). Whilst this review looks into education within prisons, it is essential to maintain services that reduce the number of young people coming into contact with the criminal justice system in the first place. The impact of -19 is being felt within families, with an increase in unemployment and families claiming free school meals. It is likely that this will have an impact on young people's attainment and educational engagement over time, therefore increasing the likelihood of involvement in the criminal justice system.
- 2.12. Council Youth Offending Teams (YOTs), the police and their partners have an outstanding track record of working with young people to avoid them coming into the youth justice system. There has been an [85 per cent drop in the number of first-time entrants to the youth justice system over the last decade, and an 83 per cent decrease in the number of children receiving cautions or sentences](#) over the same time. However, during this time, the [youth justice grant has been cut by half](#) and this is hampering the efforts of youth offending teams to give young offenders the dedicated help they need whilst maintaining the great efforts seen in reducing youth crime.
- 2.13. Social care teams and YOTs will also work closely with young people when resettled into the community after being in custody and despite councils increasing children's social care budgets (at the expense

of other services) children's services cannot cope with the demand that they are seeing. There has been a [28 per cent increase](#) in the number of children in care over the last decade.

3. What is the purpose of education in prisons?

- 3.1. As shown in the figures above, those children who do enter the justice system are likely to have experienced significant challenges and be behind their peers in skills and attainment. Education in prisons for young people needs to compensate for their lack of engagement in the education system to date, prevent them from leaving custody without qualifications and provide the tools to leave the criminal justice system behind them permanently.
- 3.2. A quality education in prison is [identified as a method to reduce reoffending and support rehabilitation](#) back into the community. This is even more important for young people, where the rate of [recidivism remains high](#), despite significant improvements that have been made in reducing first time offending.
- 3.3. Whilst clearly not the only contributing factor, a quality education throughout their time in custody can also support a young person's re-engagement in the community. However, on release from custody, many young people struggle to [engage with education and providers](#) can often be unwilling to engage with them. To ensure young people have opportunities when they leave prison, after having been in custody, it is essential that they have not missed even more education. To support children and young people to re-settle, [good practice](#) could be to enable a young person to join the course at an education or training provision on day release from custody.
- 3.4. Without control or influence over the quality of provision offered in youth custody, local authorities are left to support the young person in the community and pick up the social and financial cost of a child or young person who has been inadequately educated whilst in custody. YOTs have the lead role in rehabilitating young people back into the community however need to bring together a range of different partners to coordinate around a child which can often lead to a disjointed approach. A [greater join up](#) between organisations inside and outside of custody could support a more effective resettlement for the young person, for example, clarity of where the young person will be living on their release which enables the organisation of other services including education and health.
- 3.5. There is also [some evidence](#) that having a range of activities available to young people will improve behaviour whilst in custody, therefore leading to a safer environment for both young people and staff, reducing segregation or other punitive measures which can impact on education and rehabilitation.
- 3.6. [Limited or no education or structure](#) to a young person's day whilst in custody it can impact on the young person's mental health, self-esteem and engagement. Therefore, the purpose of education should not purely be on reducing offending and improving resettlement when a young person is released from custody but also to protect and support the emotional wellbeing and mental health of young people in custody.

4. How well are additional learning needs met by the prison education and youth custody systems, including SEND and language and communication needs?

- 4.1. Children and young people who enter the prison system are more likely to have already experienced multiple disadvantages and are more likely to have mental health difficulties or learning disabilities than the general population. [Evidence from the Youth Justice Board](#) shows that in 2016, 1 in 3 young people in custody had a learning disability, this compares to 1 in 6 in the general population.
- 4.2. Education cannot be seen in silo for any young person in custody, but particularly for those with additional needs. [Previous trauma and unmet need](#) means that some children will need effective emotional and therapeutic support before they are able to engage in education and this needs to be recognised. However, [evidence has shown](#) that often the need to receive contracted education hours can stop a young person from accessing other sources of support that they need which could actually help them to ultimately engage in education.
- 4.3. [Evidence from joint inspections](#) between HMIP, Ofsted and the Care Quality Commission (CQC) showed that emotional or mental health needs of two thirds of children, with these needs, had made no improvement on their release. This leaves local authority teams with a significant challenge to effectively support these young people who have now also experienced time in custody, to resettle them into society.

5. Does education in prisons deliver the skills needed by employers, and what more can be done to better align these?

- 5.1. As has been noted above, children and young people entering the education system are often those who have not engaged with education and will be arriving in custody with an educational deficit. Half of 15-17 year olds entering Youth Offending Institutions (YOIs) have the literacy or numeracy levels expected of a 7-11 year old and around 40 per cent of [young people surveyed](#) in under-18 YOIs reported that they had not been to school since they were aged 14. Due to this, children and young people may need additional support to develop basic skills in literacy and numeracy. However, often education in custody can focus more on vocational training rather than these basic skills. Some vocational training and qualifications [have historically not been attractive](#) to employers due to their low quality.
- 5.2. Social skills and tools to help re-enter communities is also essential in education. Supporting children and young people when they leave custody is even more challenging for local authorities and YOTs if they have not been able to access skills that will help in their transition back to their communities.
- 5.3. There are a range of actions that the justice system could take in order to support children to [access education and top up their provision](#), for example through accessing distance learning.

6. How might apprenticeships work for those in custody?

- 6.1. [Adult community education \(ACE\)](#) services educate, train and retrain more than 600,000 adults each year, including many from the most

deprived wards in England. They have a combined annual income in excess of £350 million.

- 6.2. Councils provide a wide variety of ACE services and work-based learning. The LGA's [Work Local' model](#) recommends that councils and combined authorities should have the powers and funding to design, commission, and have oversight of a devolved and integrated employment and skills service that brings together information, advice and guidance, skills, apprenticeships, employment support and wider support for individuals and employers. This approach makes sense given every council area has its own unique challenges and opportunities and its own economic and social needs which cannot be addressed by a one-size-fits-all approach.
- 6.3. If the Government increased Apprenticeship Levy flexibilities, including allowing pooling of funds, Treasury pausing its expiry policy, and devolving non-levy funding, local government could support local businesses in a much more targeted and coherent way, including by allowing them to target sectors, address local supply / demand side issues, widen participation to disadvantaged groups and specific cohorts. A proportion could be spent on pre-apprenticeship training / administration of programmes.
- 6.4. The prison population in England and Wales [has increased](#) by around 90 per cent since 1990 to about 84,000 prisoners. As mentioned earlier, recidivism rates are high and represent a significant economic cost: a one per cent reduction in recidivism rates would lead to an estimated annual saving of £130 million. Education is one of the pillars of effective rehabilitation. Almost half of prisoners have a reading level at or below that expected of an 11-year-old. ACE can give people the chance to escape cycles of crime and anti-social behaviour.

7. Are current resources for prison learning meeting need?

- 7.1. It is impossible to ignore the impact that COVID-19 has had on young people in custody and their access to education and training. With many young people being locked in their rooms for up to 23 hours a day, [access to education](#) has diminished. [Young people have reported](#) being given worksheets but not having the provision in their rooms to be able to complete lessons. This means there is an entire cohort of young people who will be even more greatly disadvantaged and alienated from the education system, and society, on their release.
- 7.2. However, even before COVID-19, [there was evidence](#) to suggest that a high proportion of young people are being placed in segregation and therefore not accessing any education. The [adverse effects of segregation were noted](#) in 2017 but more recent recommendations from the Inspectorate emphasise that where a child or young person was separated, educational support and provision must be made available to them. More concerning is in a [2018-19 HMIP survey](#), 17 per cent of children said they were not accessing any form of education.
- 7.3. Both before and during COVID-19, young people's access to education is different dependent on where they are placed across the country and what sort of provision they are placed in. Lessons need to be learnt from those areas that have, and do, [provide effective education or training](#). [Secure Childrens Homes \(SCHs\) build a model of care](#) around the child or young person, with an individualised education plan and highly trained staff which is in stark contrast with large Young Offending Institutions (YOIs).

- 7.4. The establishment of the first secure school, an education focused provision developed by [the Charlie Taylor review](#), has been delayed so we are not able to see if this new provision will provide the educational support so desperately needed by young people, and learn from the challenges that existing provision has had in providing good quality education and resettling young people into the community. A key factor for Taylor's review is that secure schools need to respond to the educational and welfare needs of the young person first and foremost, with security arrangements then overlaid. We also continue to believe that close engagement between local authorities and the set up of secure schools is essential. Successful resettlement of children and young people rely heavily on issues such as housing, education and employment, and therefore local authorities must be engaged throughout a young person's sentence to work towards a positive and deliverable resettlement plan.
- 7.5. It is essential that funding follows the child, as noted above, councils have already experienced significant reductions and where young people are more appropriately supported within the community, this would need to be sufficiently funded.
- 7.6. Local councils report that there is insufficient availability of secure placements for children with the highest need and it is essential to consider the capacity of the system across all agencies in supporting these young people with the most complex needs who require a multi-agency approach, especially those who are on the cusp of, or who have been involved in the youth justice system.
- 7.7. Many children and young people [report feeling unsafe](#) whilst in custody, due to insufficient staffing ratios. This clearly makes engaging with education challenging and with limited staff, means that young people are more likely to be in their cells for [longer periods](#) and then unable to learn.
- 7.8. [There is also evidence](#) to suggest that staff working in YOIs and Secure Training Centres (STCs) do not have the skills or training to support the most challenging children, leading to an increase in time spent in cells and therefore limited access to education. Taylor's review also highlights the difference in [teaching staff within the justice system](#) in comparison to that outside of the justice system with teaching methods not keeping pace with the mainstream education system. [The effectiveness of resettlement](#) also varies depending on what setting the young person has been placed in, with YOIs not performing as well.
- 7.9. The proposals laid out in the [White Paper on A Smarter Approach to Sentencing](#) suggest that the expectations on youth offending teams will be greater with changes to Detention Training Orders and Remand meaning that more sentences are served in the community. Although effective community provision can be beneficial for children and young people in the justice service, local authorities and education providers will need to think creatively about how to engage children and young people and ensure there is a continuum of education throughout their sentence. The paper proposes that for more serious crimes young people will be expected to serve more of their sentence in custody and with some providers already struggling to provide education, it remains a question on how effective education will be provided to these young people to ensure that additional time in custody is ultimately beneficial to both the young person and wider society.

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