



# Analysis of support for young people with special educational needs (SEN) in the youth justice sector in Wales

Research

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# Executive Summary

The Department for Children, Education, Lifelong Learning and Skills (DCELLS) of the Welsh Assembly Government commissioned Arad Consulting, in association with Dr Jonathan Evans of the University of Glamorgan, to undertake an *Analysis of support for young people with Special Educational Needs (SEN) in the youth justice sector in Wales*. The aim of the study was to undertake research on the support available to young people (ages 10 -17) as well as the support for practitioners in the sector.

This report outlines the findings of the research, drawing on a review of the academic and policy literature and a stakeholder engagement exercise to obtain the views of practitioners working within the youth justice sector in Wales.

## Methods and Definitions

The literature review explored peer-reviewed academic and research literature as well as key policy and research documents in respect of:

- what is reliably known about the Special Educational Needs of the youth justice population;
- identifying good practice guidelines in respect of working with young people who have Special Educational Needs; and
- identifying any training issues

The initial review focused on the research conducted in the jurisdiction of England and Wales but the literature search was subsequently broadened to include research conducted in Scotland, Northern Ireland and other countries (including other parts of Europe, Canada, USA, Australia and New Zealand). The standard procedures for systematic literature reviews were followed and reliable academic databases accessed.

Following the literature review, the research team engaged practitioners working within the youth justice sector through the following methods:

- A group discussion with 13 Youth Offending Team (YOT) managers, (and a telephone consultation with one additional YOT manager);
- A qualitative survey of Education Training and Employment (ETE) staff within YOTs, two responses received;
- A qualitative survey of YOT managers in six YOTs in England bordering Wales, two responses received;
- Follow-up telephone consultations with these individuals

The current definition of Special Educational Needs, as applied by the Welsh Assembly Government, shaped the review:

*“Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.*

## Research findings

The key issues for consideration from the research can be summarised in the following terms:

- Special Educational Needs should be addressed in tandem with wider additional learning support needs. This approach recognises that wider social factors, including the membership of certain social groups, can impact negatively on educational achievement.
- Although a robust, comprehensive and current picture does not exist, there is sufficient ad-hoc evidence (both qualitative and quantitative) to note that a considerable proportion of young offenders enter the youth justice system with unidentified Special Educational Needs.
- The Special Educational Needs of many young people generally are unidentified or are identified at a late stage. Two implications for youth justice practice flow from this finding. Firstly, there is a strong case for early screening of young people in general. Secondly, there needs to be more training/awareness amongst mainstream teaching staff, YOT workers and other practitioners who have contact with children and young people.
- In many LEAs, a lack of capacity to provide YOT staff with access to appropriate expertise (e.g. education psychologists) coupled with pressures on capacity in alternative educational provision mean that young offenders with unidentified SEN are often not assessed by the LEA following identification of a need for this by the YOT. As such many young people are currently not accessing their entitlements due to a lack of capacity and provision of services for young people with SEN.
- YOT managers noted that the experiences of their clients where educational staff (e.g. seconded teachers, careers advisors) work within the YOT and / or where good levels of access to appropriate experts (e.g. education psychologists) exist are more positive. These YOTs tend to be in the larger urban areas where LEAs have greater capacity.
- The Education Section of the ASSET form is often not being completed consistently by YOT staff. During discussions, it became apparent that YOT managers themselves interpreted some questions differently.
- The Welsh Assembly Government should consider whether mechanisms for fast-track assessments need to be put in place in cases where YOT staff suspect that learning difficulties have not been identified prior to the young person coming into contact with the youth justice sector.
- The Welsh Assembly Government should consider whether smaller, rural LEAs could work more closely to share resources and enable greater level of access to experts (e.g. educational psychologists) in smaller YOTs.
- Assessments of educational need should be shared between relevant agencies. For example, ILA assessments by LEAs and Social Services need to reach YOTs and custodial institutions.
- A lack of post-16 training provision for young offenders was noted as a particular challenge for YOTs. Many YOT managers noted that developing and maintaining partnerships with individual training providers (and schools) was often more challenging than with LEAs.

- A lack of access to appropriate ETE provision, whether as part of custodial interventions or brokered by the YOT, can exacerbate a young person's learning difficulties.
- Custodial sentences disrupt young people's education. The Welsh Assembly Government needs to consider how to ensure that that young people being released from custody re-enter full-time education or training as soon as possible.
- ETE provision in the community and custody needs to be more closely aligned with better transition planning for young people coming out of custody.
- There needs to be closer alignment between education and health workers, both within YOTs and in general, with education personnel being closely supported by Health Service practitioners in cases where their professional judgments may be required (e.g. assessments of mental health or ADHD).
- Information and good practice guidelines need to be shared by SEN specialists with parents/carers and children. Where appropriate, practitioners who have contact with young people should also receive information and guidance.
- Given the high proportion of young offenders with learning disabilities and learning difficulties, youth justice interventions (such as cognitive-behavioural programmes) should take account of Special Educational Needs and/or appropriate learning styles, with negotiated shared assessments and agreed interventions appropriate to the individual.
- YOT practitioners and employment and training providers require specialist training, advice and support (including mediation services in cases where placements break down) in respect of working with young people with learning difficulties

### **Remainder of this document**

The remainder of this document outlines the background to this research (section 1), gives an overview of the methodology used (section 2), and presents the findings from both the literature review (sections 4-7) and the stakeholder engagement exercise (section 8). Key findings are outlined in section 9 with references in section 10.

# 1 Introduction:

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The Department for Children, Education, Lifelong Learning and Skills (DCELLS) of the Welsh Assembly Government commissioned Arad Consulting, in association with Dr Jonathan Evans of the University of Glamorgan, to undertake an *Analysis of support for young people with Special Educational Needs (SEN) in the youth justice sector in Wales*. The aim of the study was to undertake research on the support available to young people as well as the support for practitioners in the sector.

This report outlines the findings of the research, drawing on a review of the academic and policy literature and a stakeholder engagement exercise to obtain the views of practitioners working within the youth justice sector in Wales.

The literature review has drawn on the themes and good practice guidelines that have emerged from a search of the peer-reviewed literature on the subject. Reference has also been made to a selection of relevant evaluations, reviews and policy documents produced by government, voluntary sector/non-governmental organisations and other reliable sources.

The stakeholder engagement exercise has drawn on the views of Youth Offending Team (YOT) managers and other staff in Wales as well as a small number of YOT managers in England. The project was also guided by a project steering group including representatives from the Welsh Assembly Government and the Youth Justice Board.

## 1.1 Aims and Objectives:

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The aims of this research as outlined in the project specification were as follows:

*“The overarching aim of the project is to investigate the support young people (ages 10 -17) with additional learning support needs in the Youth Justice System receive to enable them to engage in education and training. The project seeks to investigate the current situation regarding the support provided for young people with additional learning needs as well as the training that the staff of Youth Offending Teams in Wales (in both community and secure settings) receive in this area to enable them to broker/provide this support.”*

The steering group decided at an early stage of this project that the research should focus on the support for Special Educational Needs (SEN) rather than on all Additional Learning Needs (ALN).

The literature review aimed to explore the peer-reviewed academic and research literature in respect of the following:

- i. what is reliably known about the Special Educational Needs of the youth justice population in England, Wales and – where relevant – other jurisdictions;
- ii. identifying good practice guidelines in respect of working with young people who have Special Educational Needs; and

- iii. identifying any training issues in respect of those practitioners who (a) deliver or broker additional support to young people in the youth justice system and (b) those criminal justice personnel who have routine contact with them.

The terms 'Special Educational Needs' (SEN), 'Special Needs' and 'Additional Learning Needs'/'Additional Learning Support Needs' all appear in the reviewed literature. As the main focus of the literature review and report is SEN, it is therefore necessary to define these terms clearly and this is covered in Section 4 of this report. However, it is important to make the point at this early stage that the conceptual boundaries between the terms are not entirely watertight.

As has been indicated above, reference has also been made to evaluative and policy literature from other reliable sources. Whilst this has resulted in the duplication of some material, it is hoped that this serves to reinforce the key themes.



## 2 Methods

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As noted in section 1, the methodology used in this study can be divided into two:

1. Literature review
2. Stakeholder engagement

This section gives an overview of both approaches in a little more detail.

### 2.1 Literature Review

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Given that this project has been commissioned by the Welsh Assembly Government's Department for Children, Lifelong Learning and Skills (DCELLS), the initial review focused on the research conducted in the jurisdiction of England and Wales. The literature search was, however, subsequently broadened to include research conducted in Scotland, Northern Ireland and other countries (including other parts of Europe, Canada, USA, Australia and New Zealand).

The standard procedures for systematic literature reviews were followed and reliable academic databases were accessed. The keywords "Additional Learning Needs" and "Additional Learning Support Needs" elicited few 'hits'. In view of the fact that this is a term which has only recently migrated from the lexicon of policy discourse to the academic domain, it is unsurprising that there is nothing of note to be found in the peer-reviewed literature.

There is, of course, the familiar challenge of identifying synonymous key terms that are appropriate to the original terms of reference. It is therefore important to develop an awareness of the different terminologies employed in different national, disciplinary and occupational discourses.

Caution should, however, be applied when interpreting findings and reporting recommendations from research conducted outside of Wales and England, particularly from overseas. Proper account needs to be given to contextual factors that may have affected the research findings. The generalisability of research undertaken in a specific set of social and cultural circumstances cannot be taken for granted. Consequently, policy and practice recommendations that appear to 'work' in one context may not necessarily be easily transplanted into another.

This does not mean that nothing can be learnt from research in other places however it does mean that the analysis and evaluation of such research needs to be more culturally nuanced, whilst policy and practice transfers should be adapted to local conditions. This was done very successfully, for example, when the cognitive behavioural programmes developed with offenders in Ottawa (Ross & Fabiano, 1985; Ross, *et al*, 1988; Ross *et al*, 1986) were applied to the valleys of the old county of Mid Glamorgan (Raynor & Vanstone, 1996, 1997, 2001).

## **2.2 Stakeholder engagement**

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Following the completion of the initial literature review, the research team engaged practitioners working within the youth justice sector through the following methods:

### **Group discussion with Youth Offending Team (YOT) managers**

The research team facilitated a 90 minute discussion at a regular YOT managers meeting in Cardiff during February 2009 where 14 of the 18 YOT managers were present. The meeting covered a range of issues including the identification of young people with SEN, provision of education and training, staff training and professional development, partnerships between YOTs and other agencies (both statutory and voluntary), the links between custody and community and capacity issues.

### **A qualitative survey of Education Training and Employment (ETE) staff within YOTs**

A brief series of questions were circulated to a small number of ETE staff in YOTs in Wales. Two responses were received from ETE staff.

### **A qualitative survey of YOT managers in six YOTs in England**

A brief series of questions were circulated to six YOT managers in England. Two responses were received from YOTs in England.

### **Follow-up telephone consultations with individuals**

A number of YOT managers who had not been able to attend the YOT managers' meeting were contacted for a telephone consultation as well as several Youth Justice Board representatives.

## 3 Definitions

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### 3.1 Defining special educational needs

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Definitions and diagnostic labels are, of course, always contested by researchers, professionals and practitioners. It should, therefore, be recognised that most assessment labels generally involve an element of social construction that can therefore be disputed.

Prior to 1981, the focus of special educational needs was on making educational provision for children with disabilities. Generally there were twelve recognised categories of disability: blind, partially sighted, deaf, partially deaf, physically handicapped, delicate, and educationally subnormal (moderate), educationally subnormal (severe), epileptic, maladjusted, speech defects and autistic. The Warnock Committee (Department of Education and Science, 1978) recommended that these crude categories of disability should be abolished and replaced with detailed profiles of educational need based on individualised assessments. The intention was to move away from sharp distinctions between the disabled and non-disabled. SEN was, rather, conceived as being located on a continuum with ordinary needs.

The current definition of Special Educational Needs applied by the Welsh Assembly Government is set out below:

*“Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.*

*Children have a learning difficulty if they:*

- a) have a significantly greater difficulty in learning than the majority of children of the same age; or
- b) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority
- c) are under compulsory school age and fall within the definition at (a) or (b) above or would do so if special educational provision was not made for them.

Special educational provision means:

- a) for children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than special schools in the area
- b) for children under two, educational provision of any kind.

See Section 312, Education Act, 1996.  
(Welsh Assembly Government, 2004: 1, 1.3)

Disability, meanwhile, is defined in the two relevant statutes as follows:

*“A child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed.”*  
Children Act 1989, Section 17 (11) (cited in WAG, 2004: 2, 1.3)

*“A person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.”*  
Disability Discrimination Act 1995, Section 1(1), (cited in WAG, 2004: 2, 1.3).

The Welsh Assembly Government identifies four broad areas of Special Educational Need: communication and interaction; cognition and learning; behaviour, emotional and social development; and sensory and/or physical (Welsh Assembly Government, 2004: Chapter 7). However, the following point is emphasized:

*“This guidance does not assume that there are hard and fast categories of special educational need.”*  
(Welsh Assembly Government, 2004: 85, 7.52)

Just as there are currently no ‘hard and fast’ categories of special educational need, so it is also recognised that particular social groups are disadvantaged or discriminated against within our education system. This can often be the result of complex, but powerful social processes. Flowing from this analysis the concept of Special Needs emerged. Some years ago, for example, Deforges (1997) highlighted the disadvantaged position of children from certain minority ethnic communities. Whilst there was no suggestion that they experienced learning difficulties, there were issues that needed to be taken into account and that, if these were not considered, then they could form obstacles to learning. These included such issues as language, culture, the presence of overt racism and socio-economic disadvantage.

An interactive analysis of special needs is adopted by Frederickson & Cline. The following example illuminates their position:

*“Whether children are judged to have adequate levels of communicative competence in the classroom will depend both on the opportunities which they have had to develop relevant skills in other contexts and on how classroom events are organized to enable or disable their participation.”*  
(Frederickson & Cline, 2002: 45)

It will be recognised, of course, that belonging to certain social groups may increase the likelihood of children failing to keep pace with the educational achievements of their peers. In some cases, indeed, it may result in their developing special educational needs. ‘Children in need’ and those with a background in public care are just two groups of young people who might be at high risk of moving from the category of ‘special needs’ to ‘Special Educational Needs’.

It will also be recognised that in cases where children with Special Educational Needs are also members of social groups that have ‘special needs’ (certain minority ethnic communities, travellers, asylum seekers, etc.), then these ‘special needs’ will need to be addressed in tandem with the more specific Special Educational Needs that have been identified. The dynamic and interactive relationship between SEN and ‘special needs’ therefore needs to be understood and reflected in both policy and practice.

It is against the above background that the Welsh Assembly Government adopted the inclusive definition of 'Additional Learning Needs'. It is intended to be inclusive of the range of additional needs and special circumstances experienced by young people. Learners requiring additional support thus fall into two broad categories: (i) those that need assistance because of their circumstances; and (ii) those that "...have a longer-term disorder or condition" (Welsh Assembly Government, 2006: Section 1, 1.6).

Of course, it is perfectly possible that some young people will fall into both categories simultaneously. Nevertheless, this is a helpful conceptual distinction for our purposes. It highlights the fact that whilst some young people may bring with them longer-term conditions and disorders which the youth justice system and its partners must address, their wider circumstances should also be the target of intervention.

By broadening the definition of Additional Learning Needs beyond the parameters of Special Educational Needs, the way has been cleared to intervene more directly with dynamic risk factors in family and community life, as well as other relevant domains. Moreover, there is an implicit acknowledgement that young people's additional learning needs are also sometimes the direct result of institutional mechanisms and professional practises.

Thus, for example, the youth court that imposes a custodial sentence is also effectively creating a set of new and complex 'additional learning needs' for the young person concerned. This is not to suggest that there may not be times when such sentences are appropriate, but perhaps the application of this broader definition implies the need for even greater critical reflection by practitioners on their professional decision-making processes and organisational procedures.

The term 'Special Educational Needs' has been retained in order to refer to those learners who have "*severe, complex and/or specific learning difficulties as set out within the Education Act 1996 and the SEN Code of Practice for Wales*" (Welsh Assembly Government, 2006: Section 1, 1.7). Having said that, Special Educational Needs now represent a sub-category of Additional Learning Needs.

The Welsh Assembly Government (2006: Section 2, 1.3) has identified the following main groups of children and young people that might have additional learning needs:

- children of families in difficult circumstances;
- pupils with special educational needs;
- pupils with a disability;
- certain minority ethnic pupils, including those learning English as an additional language (EAL);
- asylum-seeking refugee children;
- gypsies and travellers;
- children of migrant workers;
- more able and talented pupils;
- those who are looked after by the local authority;
- pupils with medical needs;
- young parents and pregnant young women;
- young offenders;
- young carers;
- lesbian, gay, bisexual and transgender pupils;
- school refusers and school phobics; and
- pupils who perform or who have employment.

It will be recognised that this list – which, incidentally, is not regarded as being exhaustive – includes a wide and diverse population of young people. Given that there are likely to

be young people in the youth justice system drawn from all of the above-mentioned categories of additional learning need, it could be argued that a systematic literature review should therefore examine all of these areas. Nevertheless, given the constraints of time and resources, the category of Special Educational Needs have been prioritised in the literature search

### **3.2 Identifying special educational needs**

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Upon referral to a Youth Offending Team, a request is made to the education provider for an education report on a young person of statutory school age. These reports include information on the young person's additional learning needs, including whether they have an identified Special Educational Need and / or a statement of special educational needs (SEN). In cases where SEN are unidentified, the process of providing appropriate support is dependent on effective working between the YOT and other partners.

*“Occasionally we might come across a young person who might for numerous reasons have not been identified with SEN. Often these young people have a history of disrupted education and have ‘slipped the net’ for formal assessment. In response to this we would liaise with the LEA regarding provision and support.”*  
ETE professional, South Wales

*“Many youngsters are identified with behaviour problems and there are have plans in place for schools to manage their behaviour, however they are not specifically identified as having SEN. Maybe more emphasis should be placed on these youngsters to ensure they receive appropriate support.”*  
ETE professional, South Wales

## 4 Young Offenders and Additional Learning Support Needs: Context

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Before summarising the key themes that emerge from the literature, it is perhaps necessary to place the subject under consideration in context. The fact that 'young offenders' constitute one of the groups identified by the Welsh Assembly Government (2006, Section 2, 13) as being potential recipients of additional learning support means that those subject to the intervention and supervision of the youth justice system require a more comprehensive and refined assessment of their educational needs than is currently the case.

Whilst ASSET/ONSET<sup>1</sup> provides some information on learning support needs, detailed data on educational support needs are currently not aggregated at a Wales or Youth Justice Board level. Moreover, there have been some concerns that the assessments being conducted at practitioner level lack the required diagnostic precision. Indeed, in some cases there seems to be evidence to suggest that such assessments are being completed inconsistently and inadequately, with the result that many learning support needs are not properly identified ( Baker *et al*, 2003; EdComs, 2008). This is not a criticism of the staff within Youth Offending Teams, but it does highlight the importance of raising awareness about additional learning needs amongst all those youth justice personnel who routinely conduct assessments (ASSET, ONSET and pre-sentence reports).

The Welsh Assembly Government (2006: S2, 13.2) makes the point that young offenders often experience multiple disadvantages, including school exclusion, truancy, Attention Deficit Hyperactivity Disorder, substance misuse and/or a background in public care. In the same document a (2006: section 2, 13.3) a survey is cited in which such stark disadvantages are reported in the incarcerated population of those aged below 18 years.

An impressive body of empirical research has been undertaken to identify the predictive risk factors of criminal behaviour, along with the countervailing protective factors and interventions likely to promote resilience (Communities That Care, 1997 & 2005; Crowe *et al*, 2004; Farrington 1996 & 2007; Farrington & Welsh, 2007; Farrington *et al*, 2006; Harachi *et al*, 2003; Utting & Vennard, 2000; Hawkins *et al*, 2005; Utting, 1999; West & Farrington, 1973), although it should be pointed out that the epistemological and methodological assumptions on which much of this work rests has been open to cogent challenges from those who would certainly not dispute the impact of material conditions on the trajectories of young people (Case, 2007; Haines & Drakeford, 1998; Pitts, 2000 & 2001).

It is customary to present risk factors within a paradigm that recognises a complex set of dynamic interrelationships: individual (hyperactivity, impulsivity, cognitive deficits/underdevelopment, low intelligence); family (poor/harsh/inconsistent/emotionally 'cold' parenting, family disruption, domestic conflict, a family history of criminal activity); school (low achievement, truancy/disengagement); and community (low income, high crime neighbourhood).

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<sup>1</sup> Asset provides a common, structured framework for assessment of all young people involved in the criminal justice system. It is a standard assessment of the factors contributing to a young person's offending. The Onset referral and assessment framework Onset uses similar domains and scoring as Asset but it is used in selecting appropriate interventions for those identified as needing early intervention.

A young person's experience of education appears to be associated strongly with predicting the likelihood of future offending behaviour. Indicators include: low attainment, beginning in primary school (Communities That Care, 2005; Youth Justice Board, 2006a); poor literacy and numeracy (Youth Justice Board, 2002; Ecotec, 2001); poor relationships with teachers expressed in troublesome behaviour in primary school (Golden, *et al*, 2002; Spielhoffer, *et al*, 2003); truancy and other unauthorised absences (Audit Commission, 1999; Berridge, *et al*, 2002; Graham, 1998; Social Exclusion Unit, 2002); school exclusion (Audit Commission, 1996; MORI, 2004); and lack of positive engagement with school (Flood-Page *et al*, 2000).

Notwithstanding the value of the rich data yielded by the empirical research detailed above, caution needs to be exercised in respect of interpretation. It is easy to slip into the trap of confusing causes with effects. As Farrington notes:

*"It is difficult to decide if any given risk factor is an indicator (symptom) or a possible cause of offending. For example, are heavy drinking, truancy, unemployment, and divorce symptoms of an antisocial personality, or do they cause people to become more antisocial?"*  
(Farrington, 2007: 605)

There does seem to be some evidence to suggest, though, that living in a low income, high crime neighbourhood can overwhelm the best efforts of parents and carers. What seems clear, however, is that interventions should be targeted at the four levels already indicated: individual; family (including pre-school provision and parental support); education; and community. It has, of course, been argued that wider structural issues of income distribution and social inequality also need to be addressed in the longer term (Young, 1999).

Tonry & Farrington (1995) characterise the four major prevention strategies in the following terms: *developmental* (targeting individual protective factors); *community* (designed to improve the quality of life for families and neighbourhoods through the establishment of shared resources and the promotion of supportive local groups, clubs and societies); *situational* (the reduction of opportunities to commit crimes through target hardening and the design of public spaces); and *criminal justice* (involving largely, though not exclusively, rehabilitative measures).

The paradox of rehabilitative criminal justice interventions, especially when linked with incarceration, is that there is an associated risk of accelerating a young person's pathway into social exclusion and further offending (Muncie, 2004, 229-44; National Audit Office, 2004; Social Exclusion Unit, 2005). The acquisition of a criminal record can represent a formidable barrier to a young person's reintegration into wider society. A custodial sentence, moreover, can weaken ties to family, community, school, training providers and employers. The hidden curriculum in even the best run custodial regimes may also bequeath the fledging offender a wider repertoire of criminal skills, a set of attitudes that are supportive of anti-social behaviour and access to an expanded network of deviant peers (Goldson, 2002; Williamson, 2004, 67-98).

Stephenson (2007) cites three ways in which custody appears to diminish protective factors and increase risks. Firstly, it constrains and erodes decision-making and planning skills. Secondly, the education provided takes place within such an abnormal environment that its subsequent applications are of limited value. Finally, the removal of young people from formal education – even in cases where that connection is quite



attenuated – causes further disruption and an increased sense of dislocation. This makes reconnecting the young person with formal educational provision on release even more problematic on release. Criminal justice interventions, including custodial sentences, may sometimes be necessary. The evidence would suggest, though, that it is difficult to deliver them without placing young people at further risk of offending (Goldson, 2002 & 2006; National Audit Office, 2004) and thereby make the task of rehabilitation and social inclusion even more challenging.

Whilst the research described above help us to build a picture of the inter-connectedness of personal, family, neighbourhood and other social disadvantages that influence young people's routes into offending behaviour, it is worth pointing out that not all youth crime can be explained in such terms. Policy discussions about youth crime, and much of the academic research upon which such discussions are based, tend to conflate the concepts of 'offending' with 'convictions'. The identification of risk factors based exclusively on adjudicated offenders is problematic and should be noted. Self-report studies reveal that the actual level of offending amongst young people is higher than that recorded in official crime statistics (Belson, 1975; Rutter & Giller, 1983; Anderson *et al*, 1994; Graham & Bowling, 1995; Flood-Page *et al*, 2000).

It should be noted, though, that such surveys usually focus on populations that are generally regarded as 'at risk' or 'delinquent'. Consequently, the real extent and pattern of offending in the general population remains unknown. Interestingly, it is worth noting that there is actually no significant social class difference in terms of youth offending rates, with middle young people being just as likely to commit offences as their working class counterparts (Anderson, *et al* 1994; Graham & Bowling, 1995). One survey (British Household Panel, 2001) indicated that young people from higher income homes are slightly more likely to commit offences.

All methodologies, of course, have their strengths and weaknesses and self-report studies are no different. Whilst self-report studies with young people should be treated with caution, partly because some respondents may be prone to exaggerate their involvement in offending, these surveys do highlight the socially constructed nature of crime and thus raise questions about who is most likely to be detected, arrested and prosecuted. Whilst the very challenging circumstances from which many young offenders should be acknowledged, it is equally important to recognise that there are other young people for whom this is not the case.

It could be assumed that, for the most part, the undetected offenders desist from criminal and anti-social behaviour for a variety of reasons (maturation, a successful transition to further/higher education, employment, a significant relationship, *etc.*). However, for obvious methodological reasons this cannot be evidenced. The fact that the exclusionary processes of the criminal justice system failed to touch their lives may also be a factor. Ultimately, though, this is a matter for conjecture.

## 5 Quantifying Additional Learning Needs

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### 5.1 Numbers with SEN

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The key source of information on the children and young people who come into contact with the youth justice sector is the information provided in ASSET / ONSET forms designed to identify the specific problems that make the young person offend. The forms include questions on whether a young person has a statement of special educational needs (SEN) alongside questions on attainment and whether a young person has been the victim of bullying.

With regards special educational needs however the ASSET guidance states that if there are concerns about possible SEN, but no definite identification by an educational psychologist or other qualified practitioner, the YOT should tick 'no' to the question of 'have special educational needs been identified'. There is space, however, to write additional comments.

Furthermore ONSET referral forms ask whether a young person experiences difficulties with current level of school work in addition to whether a young person has a statement of SEN. The former is clearly open to interpretation. Likewise the ONSET assessment forms asks practitioners to rate the association between any special educational needs and the likelihood of offending. Young people are also asked to self-assess basic skills difficulties as part of the 'Over to YOU!' <sup>2</sup>

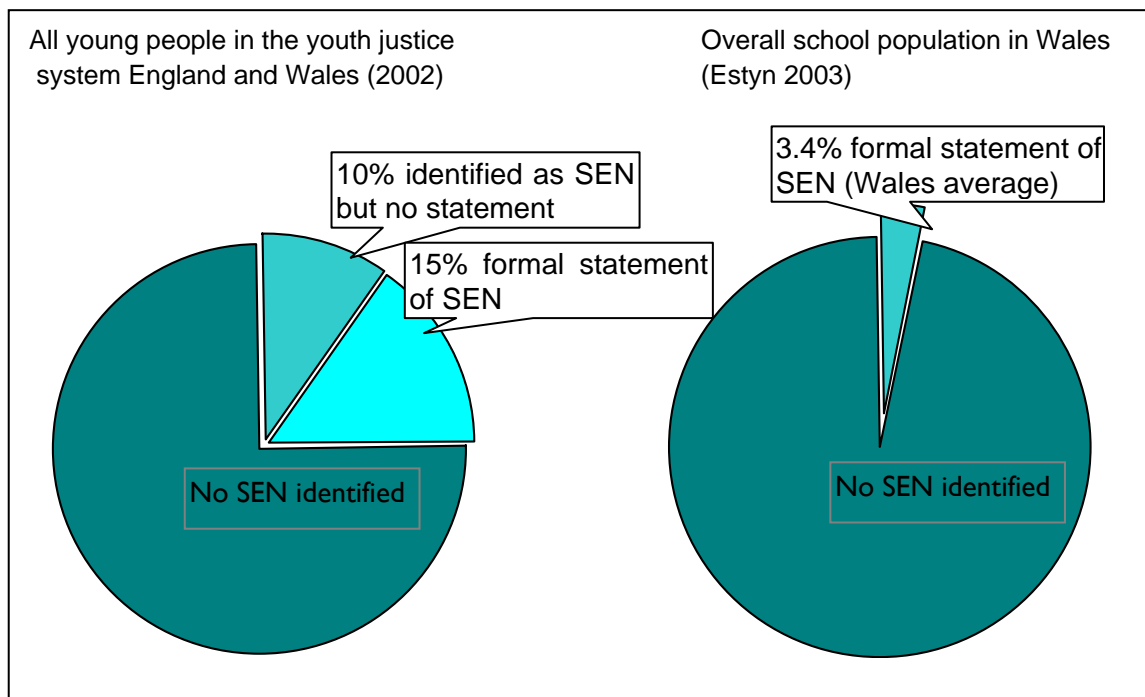
Whilst some analysis has previously been undertaken on these returns at England and Wales level (Baker et al 2003, Youth Justice Board 2002b), the Youth Justice Board does not currently routinely collate aggregated data from ASSET returns on the numbers of young people with SEN in Wales. As such there is no up to date estimate of the numbers of young people in the youth justice sector with special education needs.

An analysis of ASSET assessment forms, as part of the evaluation of ASSET in 2002, found that 25 per cent of all young people in the youth justice system had been identified as having special educational needs and that 60 per cent of these, i.e. 15%, had formal statements<sup>3</sup> (Baker et al 2003, Youth Justice Board 2002b). In the overall population about 3.4% of children in Wales have statements of SEN. However, there are large variations between LEAs where the figures range from 1.6% to 5.1% (Estyn 2003).

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<sup>2</sup> Over to YOU! are self-assessment questionnaires which form part of the ONSET referral and assessment framework. There are versions for Parents/Carers and for Children and Young People.

<sup>3</sup> When a class teacher or the SEN coordinator (SENCO) identifies a child with SEN, there is intervention to help the child to progress – *School Action*; the next level, *School Action Plus*, gives a higher level of support. If a child needs more support they may need a statement of special educational needs and following a statutory assessment, the local education authority will produce a Statement of Special Educational Need for the child (Welsh Assembly Government 2004).



Estimates are problematic, even in the overall school population, and Estyn report that the data on SEN in schools which comes from the Pupil Level Annual School Census (PLASC) is not always accurate and is often vague. Almost one-fifth of all SEN entries (about 16,000 pupils each year) are recorded as having 'other' needs, for example making it impossible to identify the nature of their needs (Estyn 2007). Estyn also report that 17% of pupils in secondary schools have additional learning needs. Most of these (85%) do not have a statement of special educational needs (Estyn 2008b).

## 5.2 Quantifying at a local level

During consultations for this study, some YOT practitioners were able to provide further information on the numbers of young people that had statements of SEN included in education reports provided to them by education providers. For example, one south Wales YOT noted that around a third (19 out of 58) of the reports on young people who were referred to them in the autumn of 2008 noted that the young person had identified SEN. Of these, 7 had statements of SEN, 5 were noted as being at School Action Plus level (SA+), 2 were at School Action level (SA), and 5 did not have a recorded level. Furthermore, the YOT noted that the majority of the remainder had specific issues noted identified in their report such as speech & language difficulties, poor communication skills, behaviour problems, attendance and bullying.

Another ETE worker in south Wales noted that education providers may also provide this type of information relating to additional learning needs and that often, the evidence available on the extent of SEN among young people in the sector is anecdotal rather than quantitative.

*“Information may also be provided about the young person’s learning difficulties/attainment deficits which are significant but which have not resulted in a Statement”*

*“On an individual case basis there is qualitative and anecdotal evidence that significant numbers of young people supervised by YOT have SEN”.*  
ETE professional, South Wales

The two English YOTs who provided evidence to the team also noted that a significant proportion of young people in the youth justice system had school action ratings or statements of SEN. These YOTs also noted that practitioners often encounter young people unidentified with needs.

*“In terms of qualitative data, we are consistently coming across young people in YOS who have very poor basic skills and sometimes are unable to write their names or barely read. Although these are not huge figures, they are enough to cause serious concern.”*

YOT manager, England

### **5.3 Additional Learning Needs**

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The Audit Commission, in its 2004 review of Youth Justice, warns that most YOT clients have difficulties with their education and Estyn (2005, 2006) illustrate that many young people in the youth justice system have had a poor experience at school or have a history of poor attendance or have been excluded from school. Most have behavioural, emotional and social difficulties, have low basic skills and find it difficult to get on with other people. It also notes that many young people have had contact with the local behaviour support service. For example, 54% of the young people receiving education from the alternative education service in Conwy at the time of its survey were known to the YOT (Estyn 2005, Estyn 2006).

Research commissioned by the Youth Justice Board involving interviews with a sample of 100 young people either subject to a detention and training order or deemed at risk of offending and involved in a youth inclusion program shows that over two thirds had been in local authority care at some point. 45% were known to be regularly truanting and nearly a third had mental health difficulties whilst just over half have been dependent on a substance. In addition more than a third of the young offender institution population of compulsory school age had a reading age of seven or less (Youth Justice Board 2005).

The 2002 analysis of ASSET revealed that one in two are under achieving in schools and that one in three need help with reading and writing (Youth Justice Board 2002b). The educational problems of serious and persistent young offenders are even greater. The average reading age of young people starting ISSPs is five years below their chronological age (Youth Justice Board 2006a) and over half of the young people entering custody, most of whom are over 15, have a reading age below the level of an average 11 year old (Audit Commission 2004).

The data, albeit limited, on the extent of special educational needs among young offenders is mirrored in data on learning difficulties among the adult prison population. Research by the Prison Reform Trust (Loucks 2007) demonstrates that 20-30% of offenders have learning difficulties or learning disabilities that interfere with their ability to cope within the criminal justice system and of this group 7% have a very low IQ of less than 70.

The Welsh Assembly (2006) cites research by the Basic Skills Agency has found that 6 in 10 people, mainly young men, in prison are functionally illiterate and innumerate. Rack (2005), writing on the incidence of hidden disabilities in the prison population, estimates that the incidence of dyslexia in the prison population is between three to four times that found in the general population. He also estimates that 50% of offenders will need some support because of poor literacy skills and that 2 in 5 of those (20% of the total prison population) will require specialist dyslexia support).

Reliable data on the incidence of learning difficulties among the prison population is no easier to find than data on the young offenders: Hall (2000) fails to find consensus in estimates of the prevalence of learning disability among young offenders and refers to an American meta analysis which gave an estimate of 12.6% and a British study where researchers detected only 0.2% had a learning disability according to their clinical impression.

## 6 Assessment and Delivery of Education in the Youth Justice System: General Principles

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Whilst some Youth Offending Teams do deliver some 'in-house' services (see section 8.4), for the most part dedicated education staff engage in advocacy and the brokerage of appropriate provision. The brokerage process generally involves the following stages: the assessment of the young person; planning with the young person how his/her needs can be met; liaison with the relevant agencies/providers; asking for the provision/service that is required; advocating on behalf of the young person; negotiating with the relevant provider/agency to provide the service/provision; and informing the young person and his/her parents/carers about the service provision (EdComs, 2008; Youth Justice Board, 2004).

Good practice guidelines on all aspects of the way in which education should be provided within the youth justice system are delineated in the publication, *Key Elements of Effective Practice – Education, Training and Employment* (Youth Justice Board, 2008b). The key findings of a recent audit of the provision of education, training and employment in the youth justice system (Youth Justice Board, 2006a) are summarised in the document in the following terms:

- On a given day between 35% and 45% of young people in the youth justice system are receiving full-time education, training or employment;
- The YOTs in the sample are struggling with very serious access issues to full-time education, training and employment. Only 45% of the young people in the sample had access to full-time provision during the census week, and 28% had no provision arranged at all.
- The young people who were significantly less likely to have full-time education, training and employment provision:
  - were older (particularly those aged 16)
  - were female
  - had been in the care system
  - had literacy or numeracy difficulties
  - had previous convictions
  - had been subject to more serious disposals
  - were more likely to reoffend
- Only around half those of statutory school age were reported as having full-time education arranged. For those in their final year of compulsory schooling, there was an even lower proportion in full-time education.
- Dubious practices, such as informal or inappropriate study-leave on the part of some schools, coupled with delays and a lack of alternative educational provision on the part of local education authorities were reported in the census.
- The census findings suggest that education, training and employment figures reported by YOTs may be considerable over-estimates of the proportion of young people in receipt of full-time provision. The corresponding YJB quarterly figures were significantly higher than the percentages obtained in the census, for all YOTs in the sample.

The remainder of this section will focus on adjudicated offenders within the youth justice system. As has already been mentioned, this particular review is focused on research reported within peer-reviewed journal articles and other relevant publications.

Acknowledgement should, however, be drawn to the usefulness of some recent Youth

Justice Board publications (EdComs, 2008; Youth Justice Board, 2006a, 2008a, 2008b). These have proved to be important sources of information.

## **6.1 Assessment in the Youth Justice System**

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Data collated from *ASSET* found that 42% of young people were rated as under-achieving at school; 41% truanted on a regular basis; 27% had previously been subject to permanent school exclusions; and 25% had identified special needs, of whom over 60% had a Statement of Special Educational Needs (SEN) (Youth Justice Board, 2003). However, as mentioned previously, the quality of the *ASSET* assessments of educational need are not always of the highest quality (Baker *et al*, 2003). Initial assessments on literacy and numeracy, for example, under-estimated the problem.

Indeed, the Education section in *ASSET* was consistently found not to have been completed thoroughly. Information of statutory education was often not present. Only limited information on education was required (Holtom & Jones, 2006) and information of statutory education was often not present. The gaps in knowledge from the *ASSET* returns is symptomatic of how little is known generally about young offenders with a learning disability, who have been described as falling into the “borderlands between different types of service provision” (Hall, 2000, 278)

The assessment process through which a young person should pass when they enter the youth justice system – along with all other aspects of educational practice within YOTs – is detailed in the Youth Justice Board’s publication, *Key Elements of Effective Practice – Education, Training and Employment* (Youth Justice Board, 2008b). The assessment process that follows *ASSET* involves four stages: initial assessment, diagnostic assessment, formative assessment (assessment for learning) and summative assessment (assessment of learning) (Youth Justice Board, 2008b: 9-10).

This more specialised assessment forms the basis of a young person’s Individual Learning Plan. Specific needs to which particular attention should be paid include: literacy, language and numeracy; learning difficulties and/or disabilities (Asperger’s Syndrome, dyslexia, Attention Deficit Hyperactivity Disorder, *etc.*); special educational needs; looked after children; and ethnicity (2008b: 10-12). During consultations for this study YOT managers queried the consistency of interpretations in the use of *ASSET* (further discussed in section 8.2) which reinforces early research where some commentators questioned the reliability of *ASSET* especially in estimating the prevalence of mental health problems (Hagell 2002) and point to the absence in some YOTs of staff with the specialised skills required to identify barriers to learning and young people’s needs (Holtom & Jones, 2006). More recent research by Chitsabesan *et al* (2006) would suggest that there is no room for complacency in terms of ensuring that accurate clinical assessments of the youth justice population are undertaken.

Given the fact that many of the young people involved in the youth justice system often have complex and multiple needs, assessments of educational need will already have been completed in other domains (‘looked after’ children, for example). There is evidence to suggest that the information from such assessments does not always find its way into the youth justice system and is not recorded on *ASSET* (Ecotec, 2001; Youth Justice Board, 2006a).

Many of the barriers to providing of effective education, training and employment (ETE) services have been identified and duly documented (Youth Justice Board, 2006a; EdComs, 2008). Some of these are highlighted below.

Despite the legal obligation to ensure that young people of statutory school age are placed in schools or other full-time provision (EdComs, 2008: 30), it is understood that there may sometimes be obstacles which make this difficult in practice. For example, schools and colleges are too inflexible in accepting young people in the middle of the school year (when many young people are released from custody). The way in which schools are funded accounts in part for this reluctance.

Some of the other problems that have been documented relate to lack of physical capacity in the system (EdComs, 2008: 30-31): too few vocational courses (Cooper *et al*, 2005; Youth Justice Board, 2006a and 2006b); lack of suitable provision for less able young people (Youth Justice Board, 2006a); many Pupil Referral Units offer only part-time placements or cannot provide education for the appropriate age groups (Stephenson, 2007; Youth Justice Board, 2006a); and insufficient numbers of staff are available to provide home tuition. Additionally, there are too few placements available with employers (Youth Justice Board, 2006a).

There are also qualitative issues that need to be addressed in some cases. Some ETE providers do not meet acceptable standards or deliver appropriate services (Cooper *et al*, 2005). This might be attributable to staff being unsuitable or perhaps insufficiently trained to deal with the specific needs and presenting behaviour of some young people who offend (Kendall *et al*, 2005; Spielhoffer *et al*, 2006). Other providers are simply resistant to working with young people who offend (Foster, 2006; Youth Justice Board, 2006a and 2006b). In summary, the terrain on which Education workers in YOTs are required to operate is therefore extremely challenging.

## **6.2 Assessment and Delivery of Education and Training in the Secure Estate:**

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Many of the assessment weaknesses identified in the previous section apply to custodial settings (Ecotec, 2001; HM Inspectorate, 2001; HM Inspectorate 2004; Holtom and Jones 2006). This is sometimes because assessment information has not been passed to the Education Departments in the institutions, including Personal Education Plans, Individual Reintegration Plans and SEN Statements (Ecotec, 2001; Youth Justice Board, 2006a). Talbot (2007) also found that statistics on inmates with learning difficulties and disabilities were not kept by the majority of institutions.

On a more general level, the available evidence would suggest that, despite improvements in recent years, education and training is delivered poorly to most young people in custody (HM Inspectorate of Prisons for England and Wales, 2001; Ecotec, 2002; Ofsted, 2006). Careers education has also been identified as an area of weakness in terms of assisting the transition from the secure estate to the community.

The transition between custody and community, and indeed *vice versa*, is one of the major challenges in working effectively with young people in the youth justice system. This is especially true in terms of managing and delivering education (EdComs, 2008; Youth Justice Board, 2006a). Short-term custodial sentences, for example, can be particularly difficult to manage because there is very little time in which to deliver



meaningful and accredited courses (Ecotec, 2001). Given the comparatively large numbers of young people sentenced to custody (United Nations Committee on the Rights of the Child, 2008; Council of Europe, 2008) there are also increased pressures to transfer young people between different regimes within the Secure Estate, thus causing additional disruption to education, training and employment programmes.

Whereas 75% of young people are engaged in full-time education, training or employment by the end of their community sentences, the figure for those leaving custody is 57% (EdComs, 2008: 46). This can be attributed in part to the problem of securing the type of matched provision in the community that would ensure a seamless service. There are, moreover, difficulties in sustaining young people's commitment to education, training and employment when they return to the community. The highly structured regimes that characterised the secure estate are in contrast to the comparatively less structured learning environments of the community.

It should also be borne in mind that, in view of the multiple disadvantages to which many of the young people were previously subject, their resettlement needs on release will often be acute (Farrant, 2006; Goldson, 2002; Hagell, 2004; National Audit Office; Youth Justice Board, 2006c). Many of the young people released from custody will also be returning to family and neighbourhood environments which contributed to their original offending behaviour. There may also be additional special needs that are not addressed within mainstream provision. Substance misuse issues, for example, highlight the importance of a holistic approach, with education and health practitioners working in concert (Stephens & Lane Arnette, 2000).

## 7 Additional Learning Support Needs: Children and Young People

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Although this section reports on research that relates to Special Educational Needs in general, many of the studies cited do not necessarily deal directly with young people in the youth justice system. The findings are, however, considered to be of relevance. It has not been possible to present an exhaustive account of the full range of Special Educational Needs young offenders may present. Rather, those areas that seem to be of high relevance have been prioritised.

In the interests of clarity the section has been organised around broad themes. Nevertheless, it will be apparent that there are close connections between many of these themes.

### 7.1 The Relationship between Communication Difficulties and Behavioural, Emotional and Social Difficulties:

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Current research points to the prevalence of undetected communication difficulties - often associated with literacy problems - in respect of children and young people identified as presenting behavioural, emotional and social difficulties (BESD). A small research study (Henneker, 2005) in Surrey found that ten out of eleven children (aged between five and eleven years) at a Pupil Referral Unit experienced some degree of communication difficulties. Six of the children presented significant difficulties and were duly given speech and language therapy for one term. The intervention appeared to result in measurable progress and the children gained confidence. Whilst it would be wrong to make claims that such a small-scale piece of research could be generalised, the findings are promising and signal the need for more extensive studies in the field.

#### *Young Offenders with Learning Disabilities: Developing Effective Practice:*

In an English study, Chitsabesan *et al* (2006) reported that of 301 young offenders (151 in custody and 150 in the community) one in five young offenders was identified as having a learning disability (with an IQ assessed below 70). Whilst the figures would appear to be even higher in some other countries (Papageorgiou & Vostanis, 2000), this nevertheless represents a significant proportion of adjudicated offenders under statutory supervision. As such, it had important implications for practice.

Cognitive behavioural programmes are currently much-used in work with both adult and juvenile offenders. However, it is recognised that people not only have different learning styles (Annison, 2006; Coffield *et al*, 2004), but in the case of juveniles they are usually very much in the process of maturing and developing. In the circumstances cognitive-behavioural programmes should be adapted to the age and maturity of the young people concerned. In some cases, though, young people in the criminal justice system will have learning disabilities that require more radical adaptations to these programmes.

Mishna & Muskat (2001), for example, discuss the way in which cognitive-behavioural techniques can be combined with mutual-aid principles in a group-work programme for offenders. There are also valuable lessons that can be drawn from the research and

good practice guidelines developed in relation to adults with learning disabilities (Mason & Murphy, 2002; British Institute of Learning Disability; the Valuing People Support Team; and the Care and Treatment of Offenders with a Learning Disability). Interventions that are oriented towards skills and specific needs are often more appropriate than punitive approaches (Brier, 1994). For those serving custodial sentences, moreover, the importance of providing appropriate post-release educational/training placements and (where possible) employment is clear (Bullis & Yovanoff, 2002).

#### *Pupil Referral Units and 'At Risk' Populations:*

The rationale for the establishment of Pupil Referral Units has long been questioned (Hill, 1997; Garner, 1996). The risk associated with bringing together children with a variety of needs, problems and behavioural difficulties are clear. There is, for example, the danger of creating a negative sub-culture amongst referred pupils and thus reinforcing a process of differential association (Sutherland & Cressey, 1974). In such institutional settings there is also a risk that practitioners will apply additional and inappropriate diagnostic labels to those in their care (Becker, 1963; Downes & Rock, 1979; Goffman, 1963; Schur, 1973).

Educational needs can thus become conflated with delinquent and anti-social behaviour. Whilst it is important to recognise that the advantages of providing specialist tuition and support for young people can be overwhelmed by the afore-mentioned risks, this does not represent a conclusive argument against such specialisation. Rather, it is about acknowledging the existence of risks posed by any set of institutional arrangements and ensuring that a balance is struck between specialisation and mainstream provision.

Powis *et al* (1998) explored levels of drug use and offending behaviour in a sample of 14-16 year-olds from school. Interviews were conducted with 86 school excluded young people attending a Pupil Referral Unit in North West London. The majority of the sample lived in lone parent families, with nearly two thirds having no adult wage earners within the household. Over half of the sample was also from minority ethnic communities. The data suggest that those attending a Pupil Referral Unit represent a high risk group in terms of drug misuse and offending.

#### *Attention Deficit Hyperactivity Disorders:*

Challenging pupil behaviour, often seemingly the result of wider socio-economic problems in the local neighbourhood, is often conflated with Attention Deficit Hyperactivity Disorder (ADHD). Whilst social context is a factor that should be taken into account in any presentation of the aetiology of ADHD, it is important to recognise that improving pupil behaviour in schools located within troubled neighbourhoods can be tackled effectively without recourse to the SEN route (Hayden *et al*, 2007).

In Swansea, moreover, researchers have shown how school staff and young people can participate in initiatives that prevent offending and anti-social behaviour (Haines & Case, 2004; Case & Haines, 2004). However, it is important not to confuse such promising initiatives with special measures that need to be taken in respect of young people with specific educational needs.

Dodge (2007) reports on a fast-track randomised controlled trial to prevent externalising psychiatric disorders. The study, conducted in the USA, screened 9,594 kindergartens in

schools, including four sites considered to be high-risk in terms of neighbourhood poverty and crime. From this initial screening process, 891 were identified as being high or moderate risk. These were assigned randomly by matched sets of schools to intervention or social conditions. A ten year intervention programme from Grades 3-9 included parent-behaviour management training, child cognitive- behavioural/social skills training, reading tuition, home visiting, mentoring and a universal classroom curriculum.

The results found that diagnoses for various conduct disorders, including ADHD and more generalised anti-social behaviour, were lowered amongst those initially assessed as being at high risk of externalising disorders. The programme appears to have been effective across such factors as gender, ethnicity and urban/rural residence. The research highlights the need for consistent interventions across the home-school continuum. The key role of parent training and family support has also been underlined in the wider literature (Mattox, & Harder, 2007; Rogers et al, 2003). Researchers at University of Wales Bangor, moreover, have reported positively on evaluations of the *Incredible Years Basic Training Programme* (Jones, et al, 2007)

The importance of early screening is emphasised by Dodge (2007) and others. It is a recurring theme in the literature and is echoed by Gresham *et al* (2000), Cassidy *et al* (2001) and Henin *et al* (2007) in respect of recognising the existence of co-morbidity in some cases (e.g., ADHD, conduct problems, psychiatric and psychological conditions, including bipolar disorders and psychopathy). However, the ways in which the results of general screening are fed back to schools is an issue that has been considered by Tymms & Merrell (2006) at the University of Durham.

Unsurprisingly, identifying ADHD children without clear accompanying advice based on research evidence has no impact. However, usable advice at the level of the school has a positive impact on the attitudes and behaviour of pupils, though not necessarily in terms of improving levels of attainment. The greatest impact appears to be achieved at teacher-level. Tymms & Merrill conclude that, rather than supporting a universal screening programme, it is probably more cost-effective to provide schools with research-based advice on how to engage with inattentive, impulsive and hyper-active children in the first two years of schooling. This is, however, clearly an area in which there is considerable debate.

In the absence of systematic early screening of children, the pivotal role of teachers within mainstream education in identifying ADHD and other disorders is underlined. What emerges from the literature is that teachers' perception of 'bad/challenging behaviour' and ADHD will vary enormously according to their training, knowledge of the children's family circumstances and the wider social and cultural context within which they are teaching (Cheng-Lai *et al*, 2002; Holst, 2008; Hong, 2008; Koss, *et al*, 2006; Kyunghwa, 2008; Snider *et al*, 2003). The critical dilemma for teachers and other practitioners who have contact with children is whether or not to refer to specialists (with the latter course of action perhaps leading to stigmatisation). The need for greater awareness-raising amongst teachers, other professionals and parents/carers seems to be clear, though.

As noted above, there appears to be broad agreement for the need to share information and expertise with teachers and parents/carers of those assessed as having ADHD and other conduct disorders. This relates not only to behavioural interventions which generally work well in school settings (DuPaul & Weynandt, 2006), but also more detailed knowledge about medication (Carlson, *et al*, 2007; Stroh, *et al*, 2008). It is particularly important that teachers have a clear understanding of the effects of medication on children's behaviour (Einarsdottir, 2008; Snider et al, 2003). Notwithstanding the

importance of raising awareness about the *effects* of medication on children's behaviour, the point should be made that the respective *effectiveness* of medicated and non-medicated interventions in relation to improving academic and social performance requires further research (Trout, *et al*, 2007).

Hughes (2007) argues that because ADHD is a bio-psychosocial condition it requires an 'integrated services' approach, drawing upon expertise from across the health and social care sectors. Sayal *et al* (2006) concur and argue in favour of greater support to education staff from health service professionals. This includes personnel from not only psychiatric and psychological services (Baumgartner *et al*, 2005), but also nutrition. Diet has, indeed, been identified as a factor on the behaviour of children and young adults (Portwood, 2006). The bio-psychosocial approach clearly also acknowledges that the wider social context can have an influence in terms of the onset and amelioration of ADHD (Brandau & Pretis, 2004).

Whilst the *On Track* research (Department for Children, Schools, Families and the Department for Innovation, Universities and Skills, 2004, 2007) has not had a particular focus on conduct disorders, it is perhaps worth noting that wider social interventions and inter-agency work are considered to be effective for populations at risk of educational underachievement, social exclusion and offending. Whilst the *On Track* research has been focused quite narrowly on areas of high deprivation, these findings complement to research results conducted across a wider social spectrum.

#### *Young Offenders and Mental Health Needs:*

Reference has already been made to the vulnerable position of young people in the criminal justice system with mental health problems. Barrett *et al* (2006) found that mental health service use was low, despite high levels of need. This was particularly true in the community. In the circumstances it is reasonable to conclude that there needs to be an enhanced role for community-based mental health services.

Educational provision, meanwhile, clearly needs to be informed by the input of mental health professionals and service user groups. It is, therefore, a matter for concern that a recent report (Healthcare Commission and HM Inspectorate of Probation, 2007) revealed that a third of YOTs in England and Wales did not have access to a designated mental health worker. That said, it should be acknowledged that there has been an improvement in access to CAMHS.

Some groups of young people with whom the youth justice system comes into contact are particularly prone to mental ill health. Those with a background in public care are a case in point (Dimond & Minsch, 2002). These high risk need to be identified by practitioners.

Work has been undertaken in the USA in respect of the relationship between ethnicity, juvenile justice and patterns of referral to mental health services (Breda, 2003). However, it should be acknowledged that further research needs to be undertaken in this field in England and Wales.

In the United Kingdom, as in many other nation states, mental health services include the provision of treatment and support for serious substance misuse problems. The main challenges involved in working with such offenders include: resolving philosophical issues in respect of coercive treatment and harm reduction (Hunt & Stevens, 2004; Norland *et al*, 2003); stabilising the often chaotic personal circumstances of chronic substance

misusers (Buchanan, 2004); and the skilled application of motivational interviewing techniques (Clark, 2005; Fuller & Taylor, 2003; Hawkins, 2002; Miller & Rollnick, 2002). Research from the USA, meanwhile, suggests that culturally specific interventions can be highly effective with juvenile offenders (Cervantes *et al*, 2004).

## 8 Key Messages from Practice

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Alongside the literature review a number of YOT managers were consulted during an All-Wales meeting where their views on special educational needs was collected. Many of the concerns raised have also been identified in the inspection literature and this section also summarises those findings.

### 8.1 Identification and assessment

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Responsibility for identifying and supporting those with SEN rests with the Local Education Authority and the YOT managers noted that many young people with severe special educational needs enter the youth justice system without a statement of SEN. They also indicated that there were a number of challenges in getting a young person assessed by an appropriate professional. A lack of capacity and resources within LEAs to provide appropriate professionals to undertake assessments of young people and provide associated support was cited as a particular issue.

*“If everybody (with SEN) was identified and statemented then our lives would be easy because we’d have something to work with”*

Quotes through out this section are from YOT Managers

The time taken to complete statements of SEN and the increasing numbers of young people in Education Other Than at School (EOTAS) settings were cited as examples of the capacity issues faced in LEAs. Some YOT managers noted that the lack of provision to offer support to young people who may have unidentified SEN meant that assessment might not happen. Some YOT managers also noted reluctance among some LEAs to issue statements of SEN due to a pressure to meet targets on the percentage of young people with statements. It was also explained that in many LAs it was impossible to statement for behaviour, and there was a concern that there was a pressure in some local authority areas to reduce number of young people who are statemented.

YOT managers noted that they do not routinely collect aggregated information on the numbers of young people with SEN or ALN in their area. Some YOTs had undertaken individual small scale studies in the past to examine the extent of ALN in their area. For example, Cardiff YOT had used an Australian tool to test around 100-110 young people from the YOT and compared the results with information for the whole LEA. This study found that some 70% of those with ALN had not been identified previously as having these needs. Rhondda Cynon Taf YOT had appointed an education psychology student to undertake an analysis of the ALN needs in the local population. This study identified many young people with additional literacy and numeracy needs.

*“I have access to Education Psychologist via the LEA and can request assessment but, in practice, resources are insufficient to complete assessment whilst the young person is on supervision.”*

ETE professional, South Wales

The English YOTs who provided evidence also noted that gaining access to Education Psychologist was a challenging issue due to resources. One YOS representative noted that whilst some provision exists in colleges and training providers to look at SEN issues,

getting young people to access the provision is difficult, particularly where they have totally turned away from any learning environment.

## **8.2 Assessment (ASSET / ONSET, ILPs)**

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YOT managers noted that ASSET is of limited use in identifying young people with ALN. The ASSET form is completed by YOT practitioners who may not have any expertise in SEN and therefore any support needs identified on the form (and any link between ALN to offending behaviour) is a subjective matter depending on the practitioner's perception.

Perceptions of how to complete ASSET forms also differed considerably between YOTs with some inconsistencies in how the forms were scored by practitioners. Some managers viewed the ASSET scoring process strictly as assessing whether a direct link existed between any education issues and a young person's risk of offending. Meanwhile others discerned a more indirect relationship and felt that the scoring process should be related to a young person's needs in a more holistic sense.

This second group were conscious of the research evidence on the links between those not in education (or having problems in education), social exclusion and offending behaviour. In practice, this meant that some YOTs would score a young person highly in terms of educational needs, whilst others would not score this issue highly. Despite these differing views, all YOT managers felt that the subjective nature of ASSET limited the value of the forms as a tool to identify or monitor ALN. Other tools are used for educational assessments

*"Don't read too much into ASSET [for study of SEN]. It is not an assessment of need by someone properly qualified to do so. It's a subjective assessment"*  
YOT manager

Estyn has also reported that ASSET forms are often not filled in thoroughly by all YOT staff; that they are not always reviewed regularly and that this information is not consistently used as an effective way to measure young people's educational progress. The quality of the ASSETs that the secure estate YOT workers receive from youth offending teams is too variable and do not always contain enough information about the young person's educational background (Estyn (2006).

YOT managers expressed concern at the number of different organisations carrying out assessments of young people, particularly those most vulnerable (e.g. they may have been assessed by Alternative Curriculum, YOT and training provider). There was unanimous support for the concept of an individual learning plan, which was seen as a means of reducing the amount of assessment and re-assessment undertaken by various agencies although there were reservations with regard to how such a plan could be implemented across multiple agencies.

*"The problem is that organisations don't trust other organisations' assessments - that's why you end up with young people being assessed and reassessed"*  
YOT manager

YOT managers also noted that behavioural issues can sometimes mask educational issues among young people, with assessments focusing on the former rather than the



latter. Several managers also noted the importance, particularly within ETE, of young people being seen as 'children first, offenders second' and that this was not always currently the case.

YOT managers felt that having access to educational assessments, including an assessment of learning styles, are important for those YOT practitioners managing offending behaviour programmes for young people (e.g. cognitive behavioural programmes).

### **8.3 Links with mainstream education**

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Assessments and their use contribute to the barriers in place in sharing information between YOTs and partners. This is a general problem across education, and Estyn reports that providers do not always receive accurate and timely information about the prior achievements of learners with SEN. They note that this is more likely to happen where learners move about frequently and that this particularly affects some of the most vulnerable learners with SEN, including excluded pupils, looked after children, young offenders and disabled learners moving from school to post-16 provision (Estyn 2007).

Most YOTs find it difficult to access all the information they need about a child or young person's learning style and in particular they have difficulty in getting information from pupil referral units on statements of special educational needs (Estyn 2008). Likewise teachers in the secure estate do not receive good information, and in particular, statements of special educational needs from young people's previous education and training settings (Estyn 2005).

The time taken to build effective relationships with appropriate professionals in LEAs was also noted as a barrier in many YOTs during consultation. Whilst some larger, urban YOTs were able to overcome issues by creating units with SEN or education expertise within the YOT (e.g. seconded teachers, Pupil Referral Units) to help liaise with schools and appropriate professionals in LEAs, others faced more difficulties in this regard. These YOTs felt that these units helped to build relationships between YOTs and LEAs, often as the units included both LEA and YOT staff.

All the managers believed that partnerships with LEAs were essential and that, in most cases, these worked well. Partnerships with schools were not always as straightforward,

*“Some [schools] are antagonistic because of limited resources...they are not prepared to use capitation [funding] in an adventurous way”*

*“Our problem with under-16s is that you have young people who've been around the system and have been seen as 'problematic' often by many teachers. Staff will tell you they were identified in infants and junior but they've never arrived at the point where SEN has been considered. So they've run through school as low achievers ”*

In some areas specific measures have been taken to help ensure partnership working in overcoming the issues of identifying those with SEN and providing them with appropriate support. In Gwynedd / Ynys Môn for example a forum has been established to bring together those with various responsibilities in relation to the education and training of young offenders. These include ETE staff from the YOT, officers from both local

authorities (including an education psychologist), representatives from local FEIs and Careers Wales. The forum is focused on the needs of young offenders and shares information in relation to individual cases and improves the process of referring young offenders with SEN to appropriate provision.

YOT managers generally welcomed the shift to prevention and early intervention strategies but acknowledged that this required a cultural shift in terms of keeping young people in school wherever possible. Some YOT managers noted that they were now identifying those at risk of offending much earlier and therefore able to keep them in mainstream education.

The transition between compulsory education, where the LEA has responsibilities, and post-16 provision is seen as an important point in terms of the partnerships between organisations. Access to training for post-16 year olds was seen as a particular challenge and YOT managers felt that those commissioning Further Education and WBL should place a greater emphasis on providers to address the capacity to work with young offenders with SEN via the commissioning process.

Reflecting these concerns, Estyn has reported on the lack of influence of YOTs, *YOT education workers do not always have enough influence over schools and LEAs in order to secure full time educational placements for young people and there is not enough good information exchange between the secure estate, YOTs and educational settings. This poor liaison leads to lack of continuity and difficulties with planning effectively for young people (Estyn 2005).*

Estyn also confirms that in the main, schools are often reluctant to offer places to children and young people who have been excluded, offended and/or who have been in custody (Estyn 2008).

Problems in sharing information are a common theme and not restricted to the links between YOT and local authorities. Estyn reports that YOTs and the secure estate do not work closely enough together to provide a planned release and an immediate re-entry to education, training or employment and the arrangements for exchange of information between the YOT education worker and the education staff of the secure setting are too variable. YOTs do not have enough useful information about attainment or assessment undertaken within the secure estate (Estyn, 2006).

## **8.4 Provision**

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Many YOT managers faced difficulties in brokering education provision to young people who had been within the youth justice system. In some LEAs, schools and training providers were extremely reluctant to accept young people from the youth justice sector. This caused time pressures for YOT staff in exploring options with a number of different providers and for the young person who spent a longer than necessary period out of mainstream education. Those young people around 16 years of age were the most problematic for the YOT in terms of finding provision.

Many YOT managers cited a lack of training placements for young people in transition from the youth justice system as a challenge facing the sector. Concerns were raised that there was effectively only provision for 6 months of the year as schools want those pupils

not sitting exams out of school around Easter however there are no training placements until September.

Rurality and the Welsh language present extra challenges. YOT managers in rural areas in particular felt that capacity in training provision was a particularly challenging issue

*“From a WAG point of view we have enough places but it’s with one provider so if a young person gets thrown off that provider then that’s it”*

The lack of Welsh language provision in young offender institutions was highlighted during consultations with some YOT managers, with examples of young people being unable to gain access to Welsh language books or materials as well as having to follow the English curriculum. This reinforces the findings of an earlier study which examined the concerns of a youth offending team (from an area with a high proportion of Welsh speakers) that Welsh speaking young people sentenced to custody suffered discrimination (Hughes and Madoc-Jones 2005). It was also noted that this lack of continuation of service also applied to Careers Wales.

*“There are massive issues with regard to the lack of Welsh language education provision in custody”*

Concerns were also raised with regard to the practicalities of proposed new legislation requiring LEAs to be accountable for providing young offenders with the resources for continuing their education. Whilst the principles behind this new legislation were welcomed, there were concerns that LEAs would struggle to provide additional resources. Some YOT managers in north Wales, for instance, noted concern that the numbers of young people from their local authority in custody varied considerably over time and that these variations could have a large impact on the resources required to provide them with appropriate educational provision whilst in custody.

These capacity issues had led some YOT managers to seek alternative sources of funding for training placements at the local level and in some cases, led YOT teams to directly deliver. Indeed these issues of identifying and providing for young people with special educational needs is such a cause of frustration for the YOTs that some have taken the approach of directly delivering support for learners.

Cardiff, for example, have established a teaching unit and established an ‘Exceptional Provision Panel’ to plan provision for excluded pupils and have five Careers Wales advisors in-house. Neath Port Talbot and Newport meanwhile have opened a two day a week PRU staffed by YOT and LEA. Several YOT managers believed that increased flexibility in the funding of education provision by the Welsh Assembly Government was required. For example, some managers had used resources from basic skills training funds to provide training for young offenders.

*“Educational failure amongst the group we are looking at is extraordinarily high”*  
YOT manager

Recent inspection reports have revealed management and planning shortfalls. According to Estyn, local authorities in Wales do not do enough to ensure that YOTs in Wales secure full-time education, training or employment for children and young people in the youth justice system. Furthermore LEAs are still not fulfilling their statutory duty to provide excluded young people with 25 hours of supervised education or activity a week.

Many YOT boards do not have plans to improve ETE performance and none of the YOTs in Wales currently meet the YJB ETE target (although this target is changing in 2009/2010 to better measure performance). Most children and young people who offend do not have an Individual Learning Plan (ILP) as required by both the Assembly and the YJB. Local authorities do not measure outcomes well enough for learners with additional learning needs (Estyn 2008).

One ETE worker noted that finding work-based learning opportunities for young people was particularly challenging.

*“Provision is poor as there is no discrete facility nor funding for additional support for post-16 training by learning providers and these services sometimes find difficulty in placing with employers, young people with learning difficulties which are compounded by challenging behaviour. The local FE college pre-vocational department is geared to provision for young people with SEN but is not suitable for those who wish to undertake work-based learning.”*

ETE professional, South Wales

This point was reinforced by one English YOT who noted that, whilst larger FE colleges often have capacity to deal with young people with SEN, young people are often put off by a large college environment which may ‘remind them too much of school’. It was noted that young people with SEN may prefer the environment in a smaller training provider but that a lack of specialist SEN capacity in these training providers can make this a difficult issue.

## **8.5 Training**

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YOT managers noted that training for working with young people with ALN was ad-hoc and not systematic and (for example invitations to one day events; access to books), both in relation to specialist practitioners and generalists. They also felt strongly that being able to draw on the advice and expertise of appropriate professionals (e.g. education psychologists) from their LEA was a greater priority than training individual staff.

In addition, YOT managers felt that it was not practical for YOT staff to become experts in various fields such as SEN or mental health but that the benefits from having easier access to appropriate professionals would be large. Rhondda Cynon Taf YOT cited an example of good practice whereby their team has access to an education psychologist for half a day per week (i.e. they get the same allocation as a school). However, many of the rural YOTs noted that this capacity would not be available to their LEAs.

*“Rather than train all YOT staff, you’re better off ensuring good access to education psychologists”*

*“The ETE is a broker of service, so they wouldn’t have nor need that level of information “*

*“It’s about the quality of your relationships with other services. If you can sort that out then you get pathways to provision”*

In terms of specific training relating to SEN, YOT managers noted that some practitioners had received training on autism spectrum disorder. Others noted that occasional short

courses are offered by various providers, often based in London, but that there is no systematic approach to training staff in relation to SEN awareness.

*“Things crop up occasionally, you get a flyer for a course, usually in London, but you don’t often have time to attend”*

Many YOT managers noted that more training to understand preferred learning styles would be of benefit and some (e.g. Gwent ISSP through KYPE – Keeping Young People Engaged funding) were offering such training in-house using teachers. There was support for individual learning plans (ILP), which were seen to reduce the amount of assessment and re-assessment, although there were reservations with regard to how such plans could be implemented across multiple agencies and whether there was sufficient expertise to complete an ILP or assess an individual’s learning style.

All YOT managers felt that working in partnership with specialist LEA staff was the preferred approach to accessing appropriate expertise. However, although a small number of YOTs had good levels of access to educational specialists in the LEA, most felt that they were not able to obtain sufficient access to such specialists.

*“As a model, rather than training all YOT staff in being experts in assessing young people; that half a day per week of access to an education psychologist in the LEA is so valuable. Any member of YOT staff that has a concern can go along and discuss it and get access to advice”*

In addition to the two levels of training and awareness explained in the literature (general awareness and specialist) YOT managers pointed to a third dimension which is at the managerial and planning level. This dimension is ensuring that managers can plan how to deal with SEN and additional learning needs more generally and can ensure access to LEA staff.

### Training in the Research Literature

There are some references to staff training in the research literature. In view of the fact that education, training and employment issues are delivered by a range of different providers there are inherent challenges in presenting a comprehensive account of the appropriateness of the training available to staff. There are clearly two main categories of training need: specialist – including YOT education practitioners and those delivering programmes - and generalist. The latter category would include those criminal justice practitioners who have routine contact with young offenders.

On the evidence already presented (Baker *et al*, 2003, for example), there appears to be a case for raising the general level of awareness about the potential additional learning support needs of young people. Such staff also need to be aware of the basic principles of effective intervention in the education, training and employment (Roberts, 1995; Youth Justice Board, 2008b) in order for them to support the programmes being delivered. Beyond this, moreover, it is obviously good practice to audit and review the professional development needs of YOT staff on a regular basis (Dearling & Skinner, 2002; Holdaway *et al*, 2001). In recognition of the particular demands of this type of work, ongoing pastoral support should also be available (Marken & Taylor, 2001; Roberts, 1995).

There is some literature documenting the training currently received by staff and the perceived training needs, and case studies presented of training projects, usually

focussed on specific needs. In Wrexham and Flintshire the YOTs have received autism awareness training arising from partnership working with Autism Cymru (Nicholas 2007). Further afield, Dyslexia Action have managed a London YOT project for the past year providing Awareness Training for all members of staff of each YOT in the city in order that those working with young people have a better understanding of what dyslexia is, how they can support the young people and refer them for screening. In each YOT two people were trained to use a screening tool enabling them to see if those referred were demonstrating signs of dyslexia and whether they should be referred to an Educational Psychologist and trained in a computer-based literacy programme to provide some literacy support (Dyslexia Action 2008). The literature also reports a demand for more training (Nicholas 2007, Rack 2005) among YOTs.

## **8.6 Custody and community**

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Several YOT managers noted that provision in custody often does not complement the provision that exists in community settings. Similarly Estyn has noted that there are shortfalls in education in the community under supervision: *“when they are in custody, most young people make good progress in education and training. This is not the case for those young people who remain in or return to the community under the supervision of the YOT. These young people have fewer opportunities to receive appropriate education and training than their peers in the secure estate”* (Estyn 2005:4) Furthermore the arrangements for managing the transition of children and young people from custody to the community are only adequate or poor in around half of cases (Estyn 2008).

Issues around the quality of provision in secure estates were raised by YOT managers as institutions are not obliged to follow the national curriculum. The proposed change in legislation was welcomed by YOT managers in this regard although many were unsure as to how LEAs would be able to find capacity to resource the education of young people in secure estate.

*“Legislative change that now requires LEA to take responsibility for youngsters in custody does plug one of the most significant gaps that we’ve had for years really and I think that will be of huge benefit, but it will take some careful consideration as to how this actually works”*

Many YOT managers raised concerns with regard to the educational provision available to young people from Wales who are serving custodial sentences in England. This was particularly an issue for YOT managers in north Wales who noted that many young people entering custody were unable to continue with the Welsh curriculum whilst at English institutions. Furthermore those YOT managers noted that many young people from Welsh-medium schools are unable to continue with their education through the medium of Welsh at English institutions. Consultation with the Youth Justice Board revealed that some institutions in England employ a Welsh co-ordinator whilst some Welsh language provision is also made available in institutions in England as detailed below.”

Ashfield YOI

Ashfield offers one Welsh language class and one Welsh culture class per week. Each

class is for 1½ hours and is attended by 5-7 young people. All young people are provided with information about the Welsh classes during induction, and Welsh young people are approached by the Welsh coordinators to explore whether they would be interested in attending. The courses are currently meeting demand. Should more young people be interested in taking the courses, provision would be increased. The tutors have both completed the Welsh Language course provided by Cardiff University (4 nights per week for 9 months), and the tutor who teaches the Welsh language class is currently undertaking advanced study through Cardiff University.

#### HMYOI Stoke Heath

Stoke Heath offer one Welsh language and culture class per week. This course is accredited by the Open College Network. This course is currently attended by 8 young people (one of whom is not Welsh). Literacy and numeracy examinations from Entry Level to Level 2 can be taken in Welsh, and young people can take GCSEs in Welsh across a range of subjects. Welsh language and culture is also integrated into the standard curriculum for all young people at Stoke Heath under the diversity and equalities policy.

#### HMYOI Eastwood Park

Due to the low numbers of girls from Wales at Eastwood Park (generally no more than one or two), it is not possible to offer Welsh language classes. The Youth Justice Board encourages the establishment to run informal lessons led by Welsh-speaking staff wherever possible. As the contract for the Learning and Skills Council, which provides educational services at Eastwood Park, is up for renewal from 1 August, the YJB is not currently in a position to change its contract regarding Welsh language provision.

Source: Youth Justice Board for England and Wales, March 2009

Difficulties in accessing provision for those leaving secure estate were cited as a major issue. YOT managers noted that the time to prepare risk assessments and explore options with a number of schools often led to long delays for the young person, with their education suffering during this period (perhaps only having 4 hrs per week home tuition).

It was noted that provision for those with SEN or ALN in custody was dependent on the institution and could be very inconsistent in terms of quality. It was also noted that the support available for the transition from custody to community was currently not well aligned.

*“Support on transfer to the community does not align well.”*  
ETE professional, South Wales

Respondents from YOSs in England also noted that the support for young people with SEN in custody could be patchy. The information on any educational achievements whilst in custody should flow between institutions and YOSs on a young person's release.

## **8.7 General Remarks**

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It was felt that raising the profile of SEN was important and that this could lead to improvements in provision. Some YOT managers felt that this had happened to services for Looked After Children during the last few years following a greater focus from the Welsh Assembly Government. One YOT manager noted that the position of looked-after children had been improved by the inclusion of specific performance indicators relating to outcomes for them at local authority level and it was suggested that further monitoring of the education of young offenders (including those with SEN) could have a similarly positive impact on the agenda within organisations.

*“As a group (Looked after children) they are monitored and their needs are looked at which raises their profile in the authority and our young people [young offenders] are not looked at in an equivalent way.... It’s an opportunity to identify their needs and get them back into an appropriate provision for them”*



## 9 Key Issues for Consideration from the Research Literature

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The key issues for consideration from the research can be summarised in the following terms:

- Special Educational Needs should be addressed in tandem with wider additional learning support needs. This approach recognises that wider social factors, including the membership of certain social groups, can impact negatively on educational achievement.
- Although a robust, comprehensive and current picture does not exist, there is sufficient ad-hoc evidence (both qualitative and quantitative) to note that a considerable proportion of young offenders enter the youth justice system with unidentified Special Educational Needs.
- The Special Educational Needs of many young people generally are unidentified or are identified at a late stage. Two implications for youth justice practice flow from this finding. Firstly, there is a strong case for early screening of young people in general. Secondly, there needs to be more training/awareness amongst mainstream teaching staff, YOT workers and other practitioners who have contact with children and young people.
- In many LEAs, a lack of capacity to provide YOT staff with access to appropriate expertise (e.g. education psychologists) coupled with pressures on capacity in alternative educational provision mean that young offenders with unidentified SEN are often not assessed by the LEA following identification of a need for this by the YOT. As such many young people are currently not accessing their entitlements due to a lack of capacity and provision of services for young people with SEN.
- YOT managers noted that the experiences of their clients where educational staff (e.g. seconded teachers, careers advisors) work within the YOT and / or where good levels of access to appropriate experts (e.g. education psychologists) exist are more positive. These YOTs tend to be in the larger urban areas where LEAs have greater capacity.
- The Education Section of the ASSET form is often not being completed consistently by YOT staff. During discussions, it became apparent that YOT managers themselves interpreted some questions differently.
- The Welsh Assembly Government should consider whether mechanisms for fast-track assessments need to be put in place in cases where YOT staff suspect that learning difficulties have not been identified prior to the young person coming into contact with the youth justice sector.
- The Welsh Assembly Government should consider whether smaller, rural LEAs could work more closely to share resources and enable greater level of access to experts (e.g. educational psychologists) in smaller YOTs.
- Assessments of educational need should be shared between relevant agencies. For example, ILA assessments by LEAs and Social Services need to reach YOTs and custodial institutions.

- A lack of post-16 training provision for young offenders was noted as a particular challenge for YOTs. Many YOT managers noted that developing and maintaining partnerships with individual training providers (and schools) was often more challenging than with LEAs.
- A lack of access to appropriate ETE provision, whether as part of custodial interventions or brokered by the YOT, can exacerbate a young person's learning difficulties.
- Custodial sentences disrupt young people's education. The Welsh Assembly Government needs to consider how to ensure that that young people being released from custody re-enter full-time education or training as soon as possible.
- ETE provision in the community and custody needs to be more closely aligned with better transition planning for young people coming out of custody.
- There needs to be closer alignment between education and health workers, both within YOTs and in general, with education personnel being closely supported by Health Service practitioners in cases where their professional judgments may be required (e.g. assessments of mental health or ADHD).
- Information and good practice guidelines need to be shared by SEN specialists with parents/carers and children. Where appropriate, practitioners who have contact with young people should also receive information and guidance.
- Given the high proportion of young offenders with learning disabilities and learning difficulties, youth justice interventions (such as cognitive-behavioural programmes) should take account of Special Educational Needs and/or appropriate learning styles, with negotiated shared assessments and agreed interventions appropriate to the individual.
- YOT practitioners and employment and training providers require specialist training, advice and support (including mediation services in cases where placements break down) in respect of working with young people with learning difficulties

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