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**Reviewing the Provision of
Education for Young People in
Detention: Rights, Research
and Reflections on Policy
and Practice**

Briefing Paper



Briefing Paper

This paper provides a summary of the third Report of the Children and Youth Programme which adopts a rights-based approach to the provision of education for young people in detention in Ireland and Northern Ireland. The objectives of the Report are to:

- identify the rights for children and young people in custody to education in Ireland and Northern Ireland;
- analyse and review the legal and policy provisions for the educational needs of children and young people in custody;
- highlight research evidence and data in relation to the voice and educational experiences of young people in custody and identify gaps in existing provision;
- explore new strategies of providing education in custody and make recommendations for policy development and implementation.

The Report outlines the relevant rights instruments and standards for the education of young people in detention and provides a profile of children in the youth justice system with reference to education. The Report further documents the legislative and policy context for the provision of education of young people in Ireland and Northern Ireland and highlights areas of concern. Finally, the Report assesses the role of education for young people in detention and explores educational provision, drawing concluding messages for policy in relation to custodial education and well-being of young people.

Key Conclusions

Drawing on the evidence the following key conclusions have been identified.

1. The current arrangements for young people in custody in Ireland and Northern Ireland are falling short of the standards of the Convention, United Nations rules and the recommendations of the United Nations Committee on the Rights of the Child.

Adopting a rights-based approach has permitted the best interests and voice of young people to be considered against the provision of education for young people in custody in Ireland and Northern Ireland. In some aspects, recent reforms of the systems in both jurisdictions have been informed by children's rights standards but the implementation often falls short of what is required by those same standards. Notably, the provision of education often falls short and remains problematic.

The core requirements of good policy making can also be used to enhance the rights and provision of education for young people in custody and help government

in both Ireland and Northern Ireland to develop better outcomes for young people in custody and society in general. Crucially, this should include more reference to the voice and experiences of children and young people themselves.

2. Improved co-ordination and information sharing between government departments and key service providers which are critical to meet the rights and needs of young people in custody.

The needs of young people in custody are many and complex; these are often compounded by institutional issues and weakness in multiagency working including, poor transmission of key information and lack of continuity between custodial-based education and provision in the wider community. If detention of young people is to have a positive effect it must address the problems giving rise to the offending behaviour and prepare them for life following release. Central to this is the provision of co-ordinated education, training and support.

Whilst there has been some progress in this area, evidence in Ireland and Northern Ireland indicate that it is still not fully realised in practice and there have been consistent calls for joint collaboration between relevant government departments, agencies and community organisations. It follows, therefore, that policies and practice with regard to information retention and sharing should be carefully reviewed. Consideration of statutory guidance elsewhere (for example, guidance developed by the Welsh Assembly¹) may usefully inform comprehensive provisions for children and young people in a youth custody setting, including legal responsibilities and guidance on the information transfer relating to education.

3. Collaborative partnerships between places of custody and external education and training agencies are crucial to improve the re-integration of young people post custody.

Adopting a collaborative approach between youth custody settings and external agencies facilitates constructive use of evidence to support young people during, and after, their time in detention. Education or work-based placement on release is a significant deterrent for re-offending. However, the overall lack of access to, and support in, securing such placements post custody can have a detrimental effect on successful re-integration. The development of external relationships, for example, with further education and work-based learning suppliers will undoubtedly make it easier for young people leaving custody to reintegrate into mainstream education and training. The proposal to transform prison education departments into learning centres for staff and those in custody is an option that should be explored.

¹ Welsh Assembly Government (2011) Learning for children and young people in a youth custody setting in Wales: Statutory guidance for local authorities in Wales. Cardiff: Welsh Assembly Government.

4. Data collection on young people in custody is underdeveloped, sparse and needs to be progressed to identify gaps and provide comprehensive data to inform educational outcomes and pathways for young people in custody.

Access to quality information and research that produces policy relevant knowledge can inform the policy imperatives and provision. Significant difficulties clearly remain with existing data on education in custody. There is relatively little systemic monitoring of attainment levels and academic or vocational progression of young people in the youth justice system in either jurisdiction. Although assessment practices do occur, albeit at a different pace, for those young people in custody, an initial assessment of their education is taken on entry but rarely on exit, therefore, it is difficult to monitor individual progression. This problem is often compounded by lack of information or portfolio about educational gains made in custody.

There is a clear need for comprehensive data systems in both jurisdictions, particularly longitudinal and disaggregated data on young people in custody and data on re-offending and destination post release.

5. Dedicated training of educational staff and development of pedagogical approaches are essential to realise the rights and educational needs of young people in custody, both to improve educational outcomes and decrease the possibility of re-offending.

Children in custody are rights holders and not merely recipients of penal care. The critical role of professionals working with children in places of detention cannot be under-estimated as their input and influence can shape the individual and collective behaviour and experiences of young people, and equip them with learning and skills to re-integrate into society. To date, there are deficits in child rights training for staff in places of detention for young people in Ireland and Northern Ireland, such as gaining an understanding of how staff might help to reduce re-offending. Furthermore, there are deficits in training on the complex and rehabilitative needs of young people in custody. As a matter of urgency, government in both Ireland and Northern Ireland should take steps to reduce this deficit, giving more confidence to both staff and young people held in custody.



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