FRAMING EDUCATION AND LEARNING IN YOUTH JUSTICE IN ENGLAND AND WALES: SOME OUTCOMES FOR YOUNG OFFENDER INTERVENTION
Dr Victoria Knight, Senior Research Fellow, Community & Criminal Justice, De Montfort University

Abstract
It is acknowledged that many young offenders disengage with education. The need to reduce the numbers of young people that are Not in Education, Employment or Training (NEET) has crept up the policy agenda for education and youth justice agencies in England and Wales. This paper reflects on one alternative education initiative (AEI) that sought to re-engage young offenders with the learning ladder by equipping them with basic skills in order to progress into mainstream education, training or employment (ETE). The responses from the young people highlight outcomes and tensions about the role that learning has in their lives and implications for social justice. The framing of education in the youth justice context relates closely to key theoretical models including community protection, pro-social modelling and compliance. By locating the young people’s responses in these ways it is possible to identify important policy tensions and subsequent implications for practice that arise from educational treatment.

Keywords
Young offenders; basic skills; alternative educational initiative; NEET; ASSET; compliance

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Young offenders and their relationship with education

Youth Offending Services (YOS) in England and Wales work with young people aged between 10 and 17 years old. The aim of the YOS is to reduce reoffending and protect the public. There is a YOS in each local authority and performance is overseen by the Youth Justice Board (an executive non-departmental public body). The YOS supervises young offenders, overseeing pre-court and court procedures, sentences and convictions and assessments of young people’s needs. The YOS uses a national assessment tool (ASSET) to assess the range of factors that can contribute to offending behaviour, including aspects of young people’s lifestyle and behaviour in need of support, including education. This assessment informs the programme of work that should be undertaken with the young person to address their needs and reduce the risk of re-offending or harm. Within this approach education is framed as a mode of reform (Rose, 1999:178). Welfarism, including compulsory education, is preoccupied with limiting and preventing the risks children, young people and families are subjected to and as a consequence delivering a range of interventions to remedy society’s ills has been always been a function of formal education (Rose, 1999).

Evidence suggests that young people who commit crime often have poor basic skills (literacy and numeracy) and are typically out of school, training or employment either before or just after conviction (Farrington et al, 2006; Communities that Care, 2005). Thus, criminal justice agencies work with a range of partners such as the Local Authority and the Connexions Service to make educational provisions available to young offenders.

Watt et al (2004:141) assert that disengagement with education is a factor related to recidivism. However Utting highlights that ‘researchers do not always agree’ that there is a correlation here (1996:1). Thus, indicators and risks of offending cannot easily be attributed to the cause of offending. For example, poor academic performance, truancy and periods of exclusion do not mean a young person will commit crime. Conversely, offending could disrupt education and consequently learning (Moffitt, 1993). The strength of these kinds of associations remains largely contested. However, Ball and Connolly suggest that it is important to directly address educational barriers to ensure criminal careers are minimised (2000:2). The link between education and offending is however, sufficient to inform national targets and the YJB’s policies.

The YJB (2006b) found that ‘45% of the young people [offenders]... had access to full-time provision...and 28% had no provision at all’. Of those not engaging in full-time education, training or employment (ETE) they found that these young people tended to be ‘older...female, had been in the care system, had literacy and numeracy difficulties, had previous convictions, had been subject to more serious disposals and were more likely to reoffend’. This seems to suggest that social, criminogenic and personal factors can all disrupt engagement with ETE. Wise is critical of educational policy noting that ‘mandatory attendance policy at secondary level has little impact on learning...motivation and ability to learn have greater impacts on academic achievement’ (1994:2). Disengagement with ETE is not uncommon amongst young offenders, yet the direct relationship between disengagement, particularly with education, and offending continues to be contested.
Framing education and learning in youth justice in England and Wales

(Baker, 2005; Baker et al, 2003). Furthermore, little is known about the relationships between engagement with ETE and desistance from crime.

**Addressing the educational gaps**

The need to address educational gaps is informed by a number of discourses. First the ‘social integration discourse’ popularised in the 1990s by New Labour’s policy responses to social inclusion. This was underpinned by the *Welfare to Work* programme which was preoccupied with enhancing labour market opportunities and reducing unemployment (ibid:125). Second, competing with these agendas is the need to respond to the ‘moral underclass discourse’ (MUD). Here models of reform, intervention and treatment appear on the social policy landscape in order to respond to ‘imputed behavioural or moral deficiencies’ (ibid:125). Together these kinds of discourses have meant that agencies like the YOS are expected to reduce the risk of recidivism by enhancing social inclusion through education, training and employment. As a result provisions of ‘alternative educational provisions’ (AEIs) for young offenders are routinely made available (Kendall et al, 2003).

**Making assessments and managing risk**

AEIs are intended for young people who have become disengaged with mainstream education due to exclusion from school/college, difficult behaviour or other reasons such as ill health, family issues or being a victim of bullying. These young people are unable to sustain education and typically fall behind their peers. The educational policy framework, known as Key Skills in the UK, measures these achievements\(^5\). These measurements account for the kinds of progress young learners make according to their age or school year. Binet developed this technique in 1904 to streamline how ‘norms of performance could be established’ (Rose, 1999:142). As a result, there is an expectation that a young person of a certain age will have achieved a specific stage in Key Skills. Educators are expected to make assessments to observe their learners performance in line with expected targets. Despite these measures Gilbert (2006) acknowledges ‘there are still too many children and young people who do not achieve or who fail to make good progress’ (2006:7). As a result many young people fall behind and/or disengage. For these young people a referral to an AEI can be made.

Actuarial measurements are employed extensively in the criminal justice system and also parts of the health system, particularly mental health (see Rose, 1998: 186). These are important because disengagement with education, training and employment are framed as risks to re-offending. In this context the YOS’ ASSET tool allows case workers to identify suitability to refer young offenders to an AEI based on the young offender’s ETE status. This type of diagnostic tool was designed to help case workers identify the right interventions and work towards helping the young person desist or reduce any future offending (YJB, 2006a; 2003). Overall the *core profile* of ASSET seeks to address 12 areas

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\(^5\) Key Skills is a framework used by educators to assess and measure the learner’s competence of basic skills (literacy and numeracy). The scale moves from pre-entry to level 5. Level 1 to Level 5 constitutes working towards GCSE and A’ Level which is an expectation of 15-18 year olds in the UK.
relating to a young person’s lifestyle and well-being\(^6\). Like many standardised assessments ASSET is not without criticism, and the value and use of such tools has been challenged (Baker, 2005; Kemshall, 2002). In particular, the subjective nature of using these kinds of assessments can mean that not all young people are measured and then ‘treated’ uniformly (Ansbro, 2010).

By using the ASSET algorithm educational needs can be identified alongside other areas of the young people's need, such as support and guidance for health, housing, drug and alcohol misuse and financial issues. As a result other referrals could follow. Elsewhere ‘interventions to tackle the link between disadvantage and poor outcomes for children and young people’ (Gilbert, 2006:11) have appeared. These have been fuelled by the *Every Child Matters* (Her Majesty’s Treasury, 2003) framework in the UK. The birth of pre-school provisions such as Sure Start programmes and extended schools were also part of this agenda. In addition the UK’s *National Specification for Learning and Skills* (YJB, 2002b), which still shapes the service delivery for young people who have direct contact with the criminal justice system, wants ‘to promote lifelong learning which young people in the criminal justice system are entitled to benefit from’ (ibid:40).

Policy is therefore pushing to reintroduce and ‘include’ young people towards educational opportunities and young offenders may have education provided through a variety of routes such as Pupil Referral Units, one-to-one home tuition or AEIs. For some young offenders delivery of education has increasingly been dealt with in-house. The recognition that mainstream services are not appropriate for some of these young offenders has meant that YOSs have 'designed in' educational provision and support. This does not come cheap as additional resources and skills are required to set these up. Moreover, resources to achieve this service delivery are often secured from external funds and can run initially as a pilot for further roll out. However when funding runs out it means that the service ceases, often leaving service users without continuing support.

**Interventions and impact for young people**

Overall outcomes of a range of interventions for offenders and young people at risk of offending are grounded in aims to reduce recidivism. Many evaluations of such interventions are often pre-occupied with recidivism data i.e. the rate at which young offenders are convicted of crimes. This is an important outcome measure but the emphasis on enhancing educational outcomes and impacts can be lost in the recidivism

\(^6\) For the ASSET each factor is given a score from 0-4 in order to indicate risks of further offending:

- 0= not associated at all
- 1= Slight, occasional or only a limited indirect association
- 2= Moderate but definite association, but could be direct or indirect
- 3= Quite strongly associated- normally a direct link
- 4= Very strongly associated- directly related to any offending (YJB, 2002)

The factors assessed include: living arrangements, family and personal relationships, education, training and employment, neighbourhood, lifestyle, substance use, physical health, emotional and mental health, perception of self and others, thinking and behaviour, attitudes to offending, motivation to change and offending behaviour.
discourse, and the qualitative experience or ‘soft outcomes’ are often obscured from view (Newburn & Shiner, 2006). Equally formal education (school) has also been a victim of intensive progression data and monitoring. What this could potentially mean is that young people at risk of disengaging are quickly identified and labelled as disengaged and struggle to keep up with the ‘expected’ performance for their age group. Despite this there is some recognition of the value of ‘soft skills’ (Gilbert, 2006:10; Margo et al, 2006) such as enhancing resilience, creativity, reliability, working independently and confidence. Gilbert remarks that ‘while activities to promote such development are of value to all children and young people, they are of particular value to certain groups in closing the attainment gap’ (2006:10). Moreover, the decision to raise the participation age in education (RPA) to 18 years in 2015 in England (DCSF, 2009) could mean the size of the NEET group would expand thus putting ETE services under pressure.

**Enablers and Barriers**

Kendall et al (2003) found in their evaluation of AEIs that these provisions were flexible and accommodating compared to mainstream educational provision. They observed from police records that there were fewer crimes committed during the periods they analysed. Kendall et al also discovered that offending ‘slowed down’ (2003:12) during intervention periods (see also Knight, 2007). In addition, in periods after intervention where educational support had decreased, offending began to increase (Kendall et al, 2003:15). They also discovered that approximately half of the young people on these AEI were awarded an accreditation and their attitudes towards learning had improved.

Loxley et al’s (2002) case studies of Summer Splash Schemes were introduced to target young people thought to be ‘at risk’ of offending or anti-social behaviour. The programmes were designed to run during ‘optimum’ periods when crime is likely to be committed (2002:2). Tarling et al (2001) evaluated a programme which mentored young people at risk of exclusion from school. They found that it led to some improvement in behaviour and attitudes towards learning. A review of AEIs conducted by the Home Office (2004) found that AEIs enable 75% of the learners to improve their behaviour. They found that 50% of the learners were awarded some type of qualification. These improvements in behaviour and academic achievement, however, do not mirror the level of the Key Skills framework used in mainstream education. The Home Office review also found that offending increased during the evaluation, since the AEIs did not demand as much time as mainstream education to occupy the young people.

Gaining access and maintaining engagement to AEIs is not straightforward. Berridge et al suggest that the time taken to decide to refer young people to AEIs ‘could be as long as a year’ (2001: vii). Consequently periods of non-engagement with education can heighten ‘boredom, depression and a sense of disorientation’ (ibid: vii). This lack of contact can also compound the effects of social exclusion. Sherman et al (1997) found that timely and early educational inventions help to minimise educational problems and social exclusion. However, evidence from Berridge et al (2001) and Parsons (2000) suggests that few young people return to mainstream education once they have engaged with alternative routes. Berridge et al (2001) noted that AEIs predominantly comprised of home tuition and some parents of excluded children arranged educational provision privately. Fo and O’Donnell
Knight

(1974) also suggested that bringing offenders together with non-offenders can significantly increase the overall offending rate of those in the same learning setting thus suggesting that non-offenders could be ‘contaminated’ with offending behaviour.

The Youth Justice report (Audit Commission, 2004) confirms that the youth justice reforms have had a positive impact on young offenders since 1996. The Audit Commission suggest that ‘the level of offending by young people in a local area has been shown to be strongly associated with the size of the total out of school population’ (2004:67). For those out of school it was noted that there has been little improvement in the education for young offenders, in both part-time or alternative measures. In turn this means that the young people are disenfranchised from their entitlement to education because they are not visible in the system.

The Scratch Project

The basic skills project Scratch was managed by and based within the Leicestershire YOS. They recruited basic skills tutors to deliver this service. Many had tutored basic skills in a number of different settings such as schools, colleges and custodial settings, bringing a range of expertise to the team. In 2005 Leicestershire YOS identified educational needs as a priority and they secured additional funding through Public Service Agreement (local government) targets to develop a programme of basic skills delivery for young offenders. The project sought to engage 250 young people over a three year period (2005-8), to achieve qualifications and reintegration into mainstream ETE. This was to be achieved by a number of methods such as Individual Learning Plans (ILP) which documented each young person’s needs and aspirations. This plan sought to hone in on the young person’s needs and thus tutoring was tailored to this. The basic skills team worked with each young person for a period of up to 12 weeks. However some staff maintained contact with young people or their carers after this period in order to offer continuing support and guidance.

The young people were referred to the basic skills team largely from the YOS and, in some cases, schools and colleges. Each young person was interviewed by a member of the basic skills team and an agreement was reached between them about their engagement. This was a voluntary arrangement, formalised by the ILP, which acted as a compact between the young person and the Scratch team. However, because the young people were expected to comply with directions from the YOS due to their court order, any contact with the young people through this initiative contributed to their court order. Failure to comply with the order conditions would result in a breach. This could then lead to more court appearances and possibly to the ratcheting of sentences.

Two different modes of basic skills tuition were offered; one-to-one and/or group work. One-to-one required each young person to work with a regular tutor in a place practical and suitable to the young person, such as their home or the local library. Tutors tailored the basic skills learning to suit and engage the young person to make sure it was interesting and thus learning was ‘personalised’ (Gilbert, 2006). Themed group work packages were also on offer, which used practical, vocational or activity-based themes in which basic skills learning was embedded. These included construction (bricklaying),
football, arts and canoeing courses and offered a range of activities within these programmes. Here literacy and numeracy skills were developed through and around the course content. Some young people either had only one-to-one or group tuition and some had a combination of both.

**Methods**

The research team designed and piloted interview schedules with young people (group and one-to-one). Overall, capturing data from young people was guided by the same underlying features largely shaped by the objectives of the basic skills project. The basis of all the discussion schedules was a direct development of Kemshall et al’s (2004) perception tool, which was adapted to reflect central issues of motivation and self-development. Respondents were asked to place a sticker on smiley faces/icons in response to a series of statements read by the researcher. The researcher could probe the respondents for qualification of their choices. This method sought to explore a ‘cluster of attitudes’ (Bryman, 2001:61) using a Likert scale format. For the group discussions this encouraged the participants to move about the room or table, to register their opinion without necessarily having to say anything and also encouraged further discussion about the reasons for their choices. A total of 18 young people participated in discussions with the research team. In addition, performance outcomes of the whole project sample (n=250) were also analysed.

**Young people’s achievements in line with project targets**

Overall the project met all of its stipulated targets outlined at the inception of the project (see Table 1).

<table>
<thead>
<tr>
<th>Year 1, 2 &amp; 3 N=250</th>
<th>Target</th>
<th>Achieved</th>
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<tbody>
<tr>
<td>100% ILP - students completing all elements of their learning plan</td>
<td>N=125 50%</td>
<td>N=147 59%</td>
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As was intended, 250 young people engaged in the Scratch programme during the three year pilot. Assessments at the beginning of the intervention period were necessary to ensure the young people met the basic skills criteria i.e. that they presented a need for support and were willing and able to commit to the schedule of work.

The level of basic skills abilities at the point of entry to the programme reflects the lower than national average scores in both literacy and numeracy for the young people in this cohort (Figure 1).
The average age of participants on this programme was 15 years old. On average the young people in this cohort had the literacy and numeracy skills of a 7 year old according to assessment. This translates into the achievement of Key Stage 2. It is unfortunate that exit assessments were not part of the programme. However, progression from one Key Stage score to another during a 12 week period would probably be unrealistic.

Overall, 34% of the young people did evidence progression (n=85) by achieving a basic skills qualification. This exceeds the project target of 20%. In addition reintegration to mainstream ETE was achieved at 71% (n=178) of the cohort.

<table>
<thead>
<tr>
<th>Table 2: Proportion of students achieving qualifications</th>
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<tr>
<td><strong>Year 1, 2 &amp; 3</strong></td>
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<tr>
<td><strong>N= 250</strong></td>
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<tr>
<td>% achieving basic skills qualification</td>
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This meant however 29% (n=73) of the young people were not reintegrated during this time (see Table 3 for a breakdown).
Table 3: ETE status after Scratch intervention

<table>
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<tr>
<th>ETE Status after Scratch Intervention</th>
<th>% of Scratch Cohort</th>
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<tbody>
<tr>
<td>Unemployed</td>
<td>29</td>
</tr>
<tr>
<td>Educated otherwise</td>
<td>3</td>
</tr>
<tr>
<td>Part-time school</td>
<td>8</td>
</tr>
<tr>
<td>Full-time school</td>
<td>6</td>
</tr>
<tr>
<td>Student support</td>
<td>10</td>
</tr>
<tr>
<td>E2E</td>
<td>2</td>
</tr>
<tr>
<td>Connexions</td>
<td>20</td>
</tr>
<tr>
<td>Training- other</td>
<td>4</td>
</tr>
<tr>
<td>Part-time employment</td>
<td>3</td>
</tr>
<tr>
<td>Full-time employment- no training</td>
<td>7</td>
</tr>
<tr>
<td>Full-time employment- training</td>
<td>2</td>
</tr>
<tr>
<td>Part-time FE</td>
<td>1</td>
</tr>
<tr>
<td>Full-time FE</td>
<td>5</td>
</tr>
</tbody>
</table>

However, reintegration to mainstream ETE on a full-time basis was achieved by only 20% of the cohort. For 48% of the cohort reintegration and support was part-time. The context of achievement is therefore challenging for this kind of educational experience. The next section reflects on the young learners’ experiences with these challenges in mind.

The Learners’ Experiences
Analysis of the interview data with young people from the Scratch project highlights some important tensions about this educational experience within a youth justice context. This section will explain why these tensions exist and what kinds of challenges this presents for youth justice and educational practitioners and policy makers.

Alternative Education Initiative as a Community Protection Model
Connelly and Williamson (2000) describe the community protection model in relation to techniques adopted by the criminal justice system in order to achieve a series of aims generally extended to protecting the wider community from crime. The Scratch project conforms to this model on two levels: a) control and compulsory treatment and b) enforced treatment to change. There are certain features of this educational provision which stress the nature of control and containment of the young people in this youth justice context. Kemshall and Wood (2007) helpfully described these features as being ‘characterized by the use of restriction, surveillance, monitoring and control, compulsory treatment and the prioritization of victim/community rights over those of offenders’ (2007:207). Using this framework, it is possible to conceptualise Scratch as a type of ‘treatment’ (ibid:208). In this case the treatment is education with a view to enabling a pathway to reform which should ideally assist in nurturing moral and ethical citizens. This is, as highlighted earlier, problematic: empirical evidence demonstrates the complexity of
making causal links between education and desistance. Most famously Martinson’s (1974) work in relation to ‘nothing works’ challenges some of these assumptions.

**Control and compulsory treatment**

The respondents were very clear about why they were engaging with the intervention and also recognised the correctional goals of the educational treatment; as one young person said, it was to ‘keep out of trouble’; another said, ‘it’s kept me out of trouble since I have been coming, so that’s a good thing I suppose’. For another respondent the programme was also helping this young person ‘to behave and no nicking cars’. Here the young people acknowledge that compliance is expected. It is therefore unsurprising that the young people in this particular study also interpreted the programme in the same way as other types of interventions or treatments delivered across the criminal justice system such as completing behavioural courses, drugs counselling, abstaining from drugs and/or alcohol, and living under curfew or electronic tagging. For example many framed it as ‘probation, to complete it and pass the time away’, ‘it’s keeping me out of jail’. Kemshall and Wood (2007) explain that these factors can also be understood from the position of the offender as a ‘rational choice actor’ (Luhmann, 1993). Kemshall and Wood (2007) note that this perspective can be problematic because offenders are routinely labelled as ‘incompetent, unwilling and unmotivated, lack...capacity and compulsion’ (2007:214). For example the following comments amplify some tensions around engagement and motivations to attend: ‘all have to come here, we have no choice’ and ‘I’ve only gone back to school cos the courts said I must - I wouldn’t if I had a choice’. Even though engagement with Scratch is intended to be voluntary, the young people are clear that their attendance is part of their order. As a result the need to comply and align themselves with the conditions of their plan could undermine the value of their learning experience. Their comments suggest that there is little openness to change. Kemshall and Maguire (2001) note that a desire to change is imperative; as a result coerced participation can only achieve limited success both in terms of achieving basic skills or reintegration. Consequently forces of constraint and control are potentially influential in securing educational reform or progress.

**Enforced treatment to change**

Most of the young people interviewed clearly understood that achieving educational success such as qualifications and securing ETE mainstream reintegration was the aim of the project. The young people themselves were sensitive to the kinds of discourses that are popularised around the ‘educationally troublesome’ (Rose, 1999:153). They also recognised that they would be subject to State scrutiny and thus be ‘increasingly evaluated in terms of their adjustment and the development of socially acceptable responses’ (ibid:153). Responses in both education and the criminal justice system are essentially synchronised as there is arguably a ‘progressive blurring of the boundaries between the delinquent and the deprived child’ (ibid:158). The Gilbert report (2006) also highlights that:

‘...schools cannot be held solely responsible for ‘closing the gap’. Schools in communities damaged by generations of underachievement, unemployment and social fragmentation rightly expect other agencies to help them tackle systemic barriers to raising aspirations of children, parents
and teachers. Local implementation of the Every Child Matters agenda offers the opportunity to improve continuity and progression in learning for children at risk of falling behind.' (2006:10).

The young people were also sensitive to the role that education plays in enhancing employability. They commented that the value of education meant they could ‘get a qualification and a job’ and also ‘so you can get a decent job and get some decent money behind you’. They further recognised that these successes would contribute to wider discourses associated with educational reform. Rose’s critique of the development of state education argues that ‘schooling for young children became caught up in a neo-hygienic strategy’ (1999:185). This principle can also be applied to the Scratch project in which reform of criminality and education are sought to assist young people to become social and moral citizens. As one young person states, the programme is meant ‘to improve everything you can do’. It is perhaps difficult to ascertain what this ‘everything’ is, but basic skills acquisition is intended to form the foundation of learning and provide a route or vehicle for progression. We know, however, that progression in education can bring about change and these changes better prepare people for the labour market (Willis, 1977).

From the rational choice position, change is a feasible option and opportunities exist for offenders to work on their ‘redemptive script’ (Maruna, 2001). The young people are perhaps able to change but these changes are facilitated by qualities noted in the community protection model (Kemshall & Wood, 2007:214). Maruna and Roy (2007) explore the concept of ‘knifing off’ (see Laub & Sampson, 2003) a process which explains desistance. Here offenders are meant to abandon and remove elements from their life that prevent them from living crime-free. This ‘knifing off’ process can be illustrated by the Scratch ethos. By enabling desistance through the acquisition of basic skills the young people are assisted in this transition. More broadly the criminal justice system is implicit in this process. For example on a grand scale prisons deliberately seek to ‘knife off’ criminals from society to re-socialise their captives (Maruna & Roy, 2007:112). As a result control and containment by justice agencies are attempting to enforce change. They warn that ‘every change in lifestyle cannot be a case of knifing off’ (2007:113) and that changes in a person, such as educational progression, cannot be identified as an isolated factor, as they state the act of ‘knifing off’ crime from an individual’s life ‘might be understood as something of a spectrum’ (2007:120).

Relationships: The Role of Pro-social Modelling
The responses from the young people also relate to their experiences and relationships with the tutors. Evidence has suggested that some young offenders experience difficulty in mainstream education and routinely disengage (Armstrong et al, 2006; Last & Strauss, 1990, on ‘school phobia’). Some of these difficulties relate to problems with relationships with their teachers (Bennett et al, 2003). The young people on this project identified that they felt that their relationships with tutors were different to the relationships they had with teachers at school. These insights relate to the concept of ‘pro-social modelling’ (Trotter, 1999), a mechanism observed and implemented across many areas in the criminal justice system, such as probation and prison work and more recently acknowledged as an important method for teachers. Gilbert (2006) describes that ‘teachers
and other adults in school have an important role in setting clear expectations and modelling positive attitudes, particularly for pupils whose experiences outside school may not reinforce the importance of learning’ (2006:20). It is these kinds of qualities that the young people on the programme report as valuable and distinguishable.

Adopting the pro-social modelling approach means it ‘results in higher levels of compliance with supervision programmes as well as lower re-offending rates’ (HMIP, 2002:36). The role of the tutor helps to facilitate change by engaging the young person in a learning process and exposing them to learning experiences. For instance, tutors were instrumental in getting their students to group sessions on time. Tutors sent text messages to their students to remind them of their sessions and arranged taxis to collect them. The steps the tutors made in order to reach their students encouraged positive behaviours whilst at the same time motivating the young people in their care to work towards crime-free goals, thus facilitating the ‘knifing off’ principle (Maruna & Roy, 2007). This was achieved according to the respondents because they perceived that their tutors ‘talk to you differently’ and also ‘they do care. Look out for me. Look out for new things for me to do. It is nice that all tutors remember my name without even looking at a piece of paper’. These personal connections mean that the practice of pro-social modelling is enabled by securing a trusting relationship.

Underpinning these trusting relationships are principles of care. These were also cited as being a valuable part of securing success, as ‘they make sure we’re doing tasks. They ring and make sure I get there. They care more than I would’. The idea that practitioners believe in them is a cornerstone of much of the work now expected of criminal justice agencies like the YOS. Tutors on this programme continued to offer pastoral support beyond the life of the programme, signalling features of care. The employment of ‘motivational interviewing’ (see Miller & Rollnick, 2004) as a technique to arouse change is clearly embedded into their practice. They believe that the tutor’s ‘care’ is genuine and, for some, this might not have been felt in previous settings like school. The pay-off for one respondent was that they believed they ‘got a bit more freedom’ in this kind of educational programme. Moreover, the respondents talked about how their needs were accommodated in terms of their desired learning experience: ‘I feel comfortable when I am on my own - only when I am on my own’. For this young person the opportunity to have one-to-one learning secured through their ILP meant that their learning experience was enhanced. Individualised learning for criminal justice is not an easy thing to achieve because there are tensions across a number of agendas,

‘contemporary criminal justice policy is often contradictory and oscillates between an economic rationalist approach cited upon the entrepreneurial self...and an expressive rationality concerned with populism and the regulation of dangerous others.’ (Kemshall, 2002:45).

As a result, there are tensions between delivering a meaningful service which signals and delivers caring practice (with pro-social modelling and motivational interviewing) and at the same time controls risky and criminal behaviour (with regulation, surveillance of punishment and risk management). However achieving this balance of care and control is widely contested and more often the control paradigm is favoured because offenders are
framed as undeserving of care. As a result the practice of pro-social modelling in the context of social control is de-valued.

**Meaningful Learning or Meaningful Compliance?**

Given these tensions there are a number of inter-related challenges about the meaningful nature of the young people’s learning experience. Kemshall (2002) suggests there are a range of desired outcomes with criminal and social policy agendas and these are not often reconciled. The positioning of an educational project within the context of social control skews the ways in which care and control are experienced. The educational experience softens the punitive features of a young person’s order. Whilst at the same time the experience of justice hardens the educative features of the project. The respondents in this study recognised that there are ‘stakes in conformity’ (Sherman & Smith, 1992:680), where aspects of their punitive order are softened by this educational experience. Unlike some other experiences of their order they were given the opportunity to progress by ‘learning new things, doing practical stuff: something to do’. One distinguishing feature was the way in which basic skills were embedded into an appealing curriculum. This meant that the young people’s attention and motivation was sustained, as one respondent said, ‘I got to learn something every time I went there’. In order to be rewarded some of the young people recognised that ‘stakes of conformity’ were necessary. One example was related to their behaviour whilst attending the educational opportunities. They recognised that they had to conform to behavioural standards in order to access the rewards of the programme. For example they explained that they were expected ‘to listen’, ‘to control temper’, ‘to be responsible’ and to ‘just to behave and that’. Hence pedagogic success is underpinned by behavioural compliance. None of the respondents talked negatively about behavioural compliance and instead demonstrated that self-regulation was necessary to access a meaningful learning (Rose, 1999:261).

Robinson and McNeill’s (2008:431) ‘dynamic model of compliance’ is helpful for understanding compliance behaviour. Like Bottoms (2001) they agree that moving towards ‘longer-term compliance’ or desistance should be the focus of practitioners. However formal short-term compliance (attending interviews or just turning up when needed) is the chief and underpinning operational focus of justice agencies. This is because it is auditable, measurable but not necessarily meaningful (Robinson & McNeill, 2008:442). Understanding what meaningful compliance looks like is challenging. However Bottoms’ (2001) view of ‘normative compliance’ explains that this requires a demonstration that their actions are assimilated to their beliefs and they demonstrate an attachment to the value of the need to comply. His view of ‘habitual compliance’, whereby compliant behaviour becomes routinised and embedded into their everyday routines, is also appropriate here. However it is evident from the young people in this study that it is difficult to achieve or even evidence, as these qualities of compliance are qualitative and subjective. It is clear that some of the young people struggle with knowing how to comply and understand what is expected of them from others. As a result compliance also needs to be learnt in order for them to benefit from the pedagogic experience. Achieving this also means that successful management of offenders requires a good balance of ‘external and internal controls’ (Wood & Kemshall, 2007:10). The law demands in the UK that children must attend school from the ages of 5 through to 16 years old. This form of external control requires educational participation yet despite this
many young people do not or cannot comply with these external controls. For those that do attend it can be argued that their internal control imposes self-management of their own behaviour i.e. attending education (ibid:10). It is believed that enhancing and improving internal controls can assist in achieving desirable behaviours, such as attending school or complying with a behavioural programme. Ultimately this requires self-motivation. These types of control do not work independently, each is dependent on the other and a balance of these controls is necessary to make it work. Taking ‘ownership of their learning’ is an important feature of normative compliance (Gilbert, 2006:44). By taking ownership these young people can move from short-term compliance towards a substantive and long-term one. Robinson and McNeill (2008:441) recommend that the most effective compliance is promoted by the ‘internalisation of controls’.

Getting used to external controls was one aspect which challenged some of the young people. One individual explained that they ‘worked in a group, was OK. I used to have difficulties with working in class groups, school and that, but didn’t have a problem’. However the ways in which the programme assisted young people in overcoming these kinds of personal barriers enabled young people like this one to develop positive internal controls towards a group learning ethos. For others the programme offered secure external controls that enabled them to develop further mechanisms of compliance resulting in a more refined set of internal controls:

'...when I’m at home, not so secure. When here or at a course I feel good about myself. Staying out of trouble. Learned that being in trouble won’t get me anywhere, might as well lay low, stay with my mates and stay out of trouble.'

Another young person points to the impact on their wellbeing stating ‘I’ve been happier since I’ve been at Scratch’ and another respondent directly attributes support from the programme, ‘I punch walls. Scratch helps me. Can talk to them’. Relationships with staff (see also pro-social modelling) are important for the balance of external and internal controls to work effectively. The process of moving towards substantive compliance with ‘healthy’ internal controls is dependent on these factors. However, tutors are not the only source of external control; there are other factors outside the programme. One individual explained that ‘I’ve got worse, not cos of Scratch, cos of other things’. This can make the ‘rehabilitative ideal’ harder to achieve and factors elsewhere in young people’s lives can hinder any positive impact. For example Cooper et al (2007) identified barriers in relation to ETE engagement such as low self-esteem, behaviour and emotional problems, issues with mental health and poor social skills. These are perhaps unrealistic for the educational intervention to resolve alone.

The role of actuarial mechanisms like the ASSET, used by the YOS in the UK, identify areas of risk associated primarily with the risk of re-offending whilst providing identifiable factors associated with their criminogenic needs (YJB, 2003a). ASSET helps practitioners to identify which aspects of young people’s lives need attention and intervention, but these can be hindered by the availability of agency resources and support (Baker, 2005; Knight, 2012, 2010). In the same way, any educational intervention is also limited in terms of time (these programmes are strictly time-bound) and thus affects meaningful outcomes such as
reintegration to ETE. Programme-based solutions could overlook those principles central to meaningful engagement because practitioners do not fully acknowledge that some young people do not know how to comply in learning experiences. To be sustainable, compliance needs to be acknowledged and appraised. Moreover, there is a need to recognise that compliance is implicit in this learning process and, for some, compliance has to be learnt in order for learning to take place. This is an uneasy transaction as the young people who took part in this study are aware they had been forced to learn, as per criminal justice sanctions imposed on them. However, in doing so the young people could also appreciate the benefits of academic and behavioural achievement.

**Conclusion**

Educational interventions in the youth justice context are distinctive and bring additional challenges to practitioners working in education and youth justice. The adoption of ‘personalised learning’ in the *Scratch programme* (ahead of Gilbert’s 2020 Vision) brought some successful engagement, with a large proportion of its participants achieving qualifications, with a lesser proportion entering full-time and part-time ETE. However, despite its efforts nearly a third remained NEET after the programme of intervention. Interrogation of the young people’s responses to the programme identifies some important tensions that could help to distinguish where the limitations of such intervention work could arise.

The delivery of educational provision through the youth justice system is correctional in its nature; it seeks to reduce offending behaviour. The presence of an educational programme within the justice context softens some of its control and constraining features. Yet it does not entirely allow the young people to initiate change themselves. This conforms to a range of social (Levitas, 2006; Gilbert, 2006; Rose, 1999) and criminological (Laub & Sampson, 2003; Maruna & Roy, 2007) discourses in which society’s desire to ‘treat’, ‘cure’ and ‘reform’ abnormal and pathological groups is deemed to be a priority. However, care (deployed by experts) was demonstrated by the tutors in the shape of pro-social and motivational techniques. Most forms of compliance were observed not only in relation to achieving pedagogic outcomes but readjustment of behaviour and motivations to participate in the programme were also evident. The shortfall in sustainable ETE destinations after the programme was completed could potentially be explained by difficulties in learning how to comply with the learning process and also the difficulties in gauging a young person’s ‘internal control’. The respondents were also unable to demonstrate their aspirations to lifelong learning.

Reducing reoffending is an important aim, of which the respondents were acutely aware. However, for learning to accelerate beyond this agenda, careful work is necessary to understand the limits of delivering education within this framework. The ASSET tool could assist practitioners to identify the emotional and psychological barriers young people experience. It will also enable some assessment of their openness and motivation to learning. Emphasis on pro-social modelling and sophisticated understandings of young people’s internal controls are also necessary, something ASSET cannot provide. For educationalists, the techniques employed by this AEI could also be fruitful for reducing and preventing NEET cases. The employment of personalised learning and pro-social
modelling (based on social learning theory, such as cognitive behaviour therapy) into mainstream education could have significant benefits for a sustainable and inclusive learning experience for all.
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