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International Journal of Educational Development - Special Issue Editorial Paper

Children's Education in Secure Custodial Settings: Towards a Global Understanding of Effective Policy and Practice

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Introduction

In many countries across the world, school age children in conflict with the law are serving custodial sentences. According to the UNCRC, Article 28, all children have a right to education, including children in conflict with the law. However, education within custodial settings for children has not featured with any significance in the international education-based literature. Consequently, there is a dearth of information and debate on education for incarcerated children, some of the most marginalised and disadvantaged children in society. This editorial review of the collection of papers in this Special Issue from the UK, US, Nigeria, Germany, UAE and South Africa in an international education journal seeks to begin to correct this by giving this important area a credible platform to fulfil both these objectives, rather than act as a bolt-on in youth justice journals.

Children in conflict with the law are described as 'doubly vulnerable' (Moore and Miller, 1999) because of their age and status as 'offender', which make them susceptible to marginalisation. Young people in custody are a 'hard to reach' group' (Sydor and BMid (2013) in most countries because of their physical and social location (Ellard-Gray et al, 2015) with less autonomy than a child in the community. All the papers in this special issue highlight how children in conflict with the law have many complex needs arising through family breakdown, poverty, social status and other disadvantages, compounded by a higher prevalence of drug and alcohol misuse, higher rates of mental health problems and higher levels of learning difficulties (Chitsabesan and Bailey, 2006). Additional emotional problems (Abram et al, 2003), behavioural problems (Young et al, 2015), and language and communication difficulties (Snow et al, 2016; Nkoana et al, this issue) make education

and learning even more challenging for this particular population. Whilst these issues have individually attracted much research attention, children who offend have yet to attract the attention of the education research community in the same way as other disadvantaged groups have.

The issues are not generally well understood and incarceration for children is relatively hidden from the public gaze and its organization is complex in advanced capitalist societies (Little, 2020 this issue). This Editorial paper brings together the ideas of key writers in this field who have contributed to this Special Issue and straddle interrelated disciplines (education, sociology, criminology, psychology, psychiatry, neuroscience) to debate key issues and offer solutions for learners in uniquely challenging custodial and youth justice settings in a range of countries across the world. It's a valuable opportunity to connect research findings from across a range of policy contexts to make a considerable impact and the authors are grateful to the Editor of this journal in taking a leap of faith in enabling this collection of papers to come about.

Contributions come from established researchers from the UK, Germany, USA, UAE, Nigeria and South Africa. The Special Issue draws on the socio-bio-ecological systemic model of Bronfenbrenner (1979) and more recent models which build on this (e.g. ahmed Shafi et al, 2020a) in recognition of the importance of contextual issues (see paper by ahmed Shafi, 2020b for a description) and reflects current discourse in youth justice which points to a socio-cultural-political approach to understanding young people in conflict with the law (e.g. Johns, William and Haines, 2017). Papers focused at the individual level are positioned within the microsystem. Papers exploring relational aspects, for example the interaction between the individual and their school experiences, are situated within a mesosystem level. Papers which explore the indirect impacts on experiences are situated within the exosystem. The macrosystem level includes papers which make international comparisons or examine contextual drivers or obstacles. In positioning papers in this way, we present a lens to enable a nuanced discussion of the contextual and system-based issues for education in custody, enabling greater understanding of the relationships between them. This editorial uses this to make recommendations which synthesise key insights from examining papers in this way.

The Special Issue is a significant development for children's education in secure custodial settings, calling upon education researchers and policy makers to challenge education in this most challenging of contexts, thereby increasing the impact of this work more widely.

The Papers

Three papers in this Special Issue focus in on the microsystemic level relating to the most proximal interactions and experiences of the young people. ahmed Shafi (this issue) and Andow's (this issue)

papers (both UK based) draw on qualitative data from incarcerated young people. They provide a unique first-hand voice of the young people with some telling insights. Perhaps one of the poignant things in the ahmed Shafi paper is the extent of the impact of the secure setting itself on the young people, particularly their emotions, and how this shaped their experiences of everything whilst serving their sentence. This included interactions with peers, staff and learning. Also, significant was that young people are quite aware of themselves and how they present themselves in classes is not a random affair but a response to their perception of the quality of education they felt they were receiving. The paper gives us new understandings of incarcerated young peoples' agency in education and learning which challenges the existing view that they are not interested in learning or education as reflected in the high dropout rates (Rocque et al, 2017). The Andow paper further highlights how children's individual needs in custodial settings are not considered and how these are perceived as unfair by children and which also impacts on their engagement with learning. For example, a secure children's home in the UK will take children on a justice or welfare order. Children on a welfare order are there for their safety and welfare rather than serving a sentence - and more recently this is likely to be because of their propensity or history of self-harming. Andow's paper highlighted how children who did not self-harm (irrespective of whether on welfare or justice grounds) were challenged by the exposure to this and affected by those children who did self-harm. Conversely, those children who did self-harm suffered, for example, from taunts from those who did not, thereby worsening their situation. Either position considerably impacted on the children's ability to engage with education. Coupled with the impact of the secure setting as per the ahmed Shafi paper (this issue), the impact of such microsystem experiences on the young people's educational engagement has not been explored with such depth and demonstrates the importance of taking account of the secure context itself as we aim to move towards a global understanding of how best to address the education and learning needs of children who are incarcerated.

The paper by Nkoana et al (2020) (South Africa) is also positioned within the microsystemic level, because of their focus on the individual and their immediate experiences, focusing on traumatic brain (TBI) injury experiences in early life and learning disabilities. They further reinforce how incarcerated young people have many unmet learning needs including lower verbal IQ and reported higher TBI incidences than controls which is consistent with the literature. The authors emphasise that because educational input relies heavily on verbal abilities to both take in information and articulate back, this has a significant impact on learning. Thus, supporting incarcerated young people in developing their verbal skills as well as attending to the impacts of TBI in order for them to be 'ready' for learning is rather crucial. Ignoring these needs is akin to expecting pupils at school to make notes but without a pencil and paper or other such device and then punishing them for not

remembering all the detail. It should be noted that whilst this paper focuses on the within-child factors that may inhibit their ability to learn, their solutions point to tailoring holistic learning opportunities accordingly, rather than reproducing the same schooling model that has already failed them in mainstream education settings.

These papers highlight how the microsystem is of paramount significance to the everyday experiences of children in custodial settings. Once in the (justice) system, their context – and their educational outcomes barely improve (Taylor, 2016). Instead, incarceration of children can have criminogenic consequences (McAra and McVie, 2010). The papers presented in this Special Issue support these findings, and certainly do not contradict them. Taking a simplistic within-child deficit model, and thereby effectively ignoring the impact of the microsystem, is to the detriment of the children and the long term aims of rehabilitation and hampers educational opportunities provided. Also significant are the interactions (mesosystem) of the various 'actors' within any given microsystem that are also important and impact on the child and their educational experiences and potential success. A number of papers in this Special Issue highlight the importance of interactions at the mesosystem level, emphasising the relational aspects of how people or organisations interact within the microsystem and how these impact on the individual. This dynamic interaction of individuals and the system is articulated by ahmed Shafi et al (2020) which posits a dynamic interactive model of resilience (DIMoR) which draws on a range of systems models to emphasise how systems and individuals interact with each other and shape trajectories in a dynamic and interactive manner.

The paper by Flores et al (2020, this issue) (US) further emphasises the importance of the relationships between staff and young people (the mesosystem) as being crucial to educational success. This research is focused on incarcerated girls - important because of the limited research on girls' education in secure settings - the findings remain consistent with the mainstream literature and findings from ahmed Shafi (2020, this issue). Flores et al's paper's significance lies not just in the focus on gender, but how in meeting children's needs through effective, warm and meaningful relationships we can enable incarcerated children to flourish and genuinely engage with learning opportunities, the positive impact of which they take with them when transitioning back into the community. This is even more so the case as many incarcerated young people have not had the family and support structures to enable them to fulfil these specific needs in their formative years. Koenig and Knospe's paper (2020, this issue) (Germany) also point to the importance of relationships. Their paper focuses on settings how learning walks as a pedagogy with children in

community youth justice can support the development of resilience to enable children to cope with the demands of education and learning.

The micro and mesosystemic levels both point towards the importance of the immediate environment and it is essential to focus on what happens here. The exosystem context also has a considerable impact on children's experiences at micro and meso level. Litz, Hourani and Scott's (2020, this issue) paper (UAE) points to leadership challenges in educational programs in juvenile detention centres. Whilst this paper is from research conducted in an Abu Dhabi where educational reform is a relatively new process and where education of young people in detention centres is even newer, the findings reflect those of more established youth justice systems e.g. the UK context which also point to the importance of effective and committed leadership and management (ahmed Shafi, 2019) as being essential to an effective educational experience for incarcerated young people. Institutional leadership which is democratic and autonomous enables teachers and educators to better navigate the context within which they were operating. What this meant was that despite some of the more macro level structural and policy issues and constraints, autonomy in leadership meant that they could somewhat overcome some of the challenges that are well documented in education for incarcerated young people (e.g. lack of parental involvement, lack of previous education data and poor educational experiences).

Exosystems also include those systems to which incarcerated young people transition following release into the community. The paper by Rivera (2020, this issue) (US) highlights, for example work by Knight (2014) and Lanskey (2015) in the UK regarding successful transitions plans as being essential for engagement with education and learning whilst incarcerated and that community based post-secondary correctional education can help to reduce reoffending. It means that young people not only get continuity in their educational experiences following a period of incarceration, but also have something to move into upon returning to the community, providing a sense of purpose and belonging. Rivera's paper presented several characteristics and practices that reduced the likelihood of reoffending and these can be explored in her paper. But in terms of this editorial review, Rivera's paper demonstrates the importance of an educational system which does not end when a young person completes their sentence, but rather enables opportunities to further their process of re-identification when back in the community so they are more likely to find meaningful employment and further educational opportunities. In doing so, the education provision within the youth justice system actively attempts to enable access to opportunities rather than simply provide a minimum. Rivera's paper usefully and comprehensively sets out what this could look like in practice with a range of tiers depending on context and resource availability.

Most of the contributions in this Special Issue have focused on the educational consequences of incarceration for children. We are pleased to include an article which considers impacts for children whose educational development is affected by parental imprisonment. This illustrates the importance of the exosystem and also because parental imprisonment increases the likelihood of their children also coming into conflict with the law (Aaron and Dellaire, 2010). This suggests that supporting children whose parents are in prison could help them stay in school (Kjellstrand, 2017). Brookes and Frankham's paper (2020, this issue) highlights the importance of a school culture which supports children with a parent in prison. Doing so will not only mitigate the immediate impact of the parent being in prison, but also help provide some stability to enable them to remain focused on education. Stigma associated with a parent in prison is shown here to act as a trigger for isolating and removing oneself from school and community. As many of the papers in this Special Issue demonstrate – consistent with the wider literature - school exclusion is associated with increased risks of coming into conflict with the law (Sanders, Liebenberg and Munford, 2020). This paper thus places important emphasis on how educators and education systems must take a system wide approach to understanding how incarceration can affect families and children and therefore, their education and life opportunities.

Having said that, cultural shifts at the microsystemic level alone would not be effective for children as they transition from custody to the community. Change must come from the macrosystemic level and manifest at all the other levels to enable cultural paradigmatic shifts to cascade downwards. This points to the challenges of leadership which are highlighted in the Litz et al paper in the UAE which straddle the exo and macrosystems and previous literature (e.g. ahmed Shafi, 2020). However, this does not mean that changes cannot happen at the microsystemic level because as several papers in this issue suggest (ahmed Shafi; Rivera; Nkoana et al), much can be done at organisation level which can have the most immediate and direct impact on the young people and indeed good practice can drive policy (Cairney and Oliver, 2017).

This takes us to the macrosystemic level and how this can affect the education and learning of incarcerated children and indeed families affected by incarceration. In taking a system-wide approach from the micro to macro level, we take a nuanced and sophisticated approach to understanding how education can truly support young people who come into conflict with the law so that this contact with youth justice supports successful re-integration into society.

Case and Hazel's (2020, this issue) paper (UK) highlights the need for change at the macrosystem level in order to effect change at the more proximal (micro/meso) systems to the individual. In their paper they argue that part of the failures identified in the other papers in this Special Issue are down

to the 'neo-correctionalist paradigm' which dominates Western culture approaches to juvenile justice. However, the collective of these papers suggest that this paradigm seems to dominate the culture in all the countries covered in this volume and thus paints a rather disappointing, limited and limiting picture of education in youth custody across a range of contexts. In order to address this, Case and Hazels' paper point to the need for a paradigm shift; the only way in which the processes, structures and systems can change in an integrated way.

Not only are many youth justice systems across the world embedded in and embody a 'punitive' approach to youth offending, many of the contexts outlined in this Special Issue also operate within a 'market society' (Little, 2020 this issue) and a neo-liberal ideology. This is particularly the case in Anglo-Saxon countries (e.g. the UK, US, Australia, New Zealand), but as we see in Litz et al's (2020, this issue) paper, the UAE as a relatively new youth justice system seems to follow the Western models and this is also shown to be the case in Atilola et al's (2020, this issue) paper for Nigeria. Little (2020, this issue) points out how the type of custodial setting that a child is sentenced to is driven by functional metrics such as 'cost per head' rather than the needs of incarcerated children and the communities to which they return. Unless there is a change to this ideology, we will continue to focus on the most 'cost-effective' way in which they can be housed to serve their sentence, rather than focus on the type of support required. This narrow, limited focus on short-term costs runs counter to the learning derived from this series of papers, which highlight and reflect the literature on how children who come into conflict with the law are trapped within multiple levels of disadvantage. It is vital that if education in secure custodial settings is to be more than a tick-box exercise and to offer transformative opportunities, the stakeholders in this field must come together to challenge the status quo and call for an international and global re-think of ideology and philosophical positionings. Indeed, this is one of the purposes of this unique Special Issue, to help provide fresh thinking to stimulate innovative approaches that reflect genuine need, instead of falling back on the pre-existing systems which are failing individual children and the societies to which they return. This is an issue of systemic educational improvement aligned with social justice imperatives. It is about fostering the development of appropriate educational systems, understandings and practices for some of the most vulnerable people in our societies across the world.

So what next?

To synthesise the findings from a collection of papers which derive from a range of continents and disciplines was always going to be an ambitious task, especially with the differing paradigms, cultural and discipline-specific contexts. Nevertheless, there is much to be gained in terms of the insights they bring to the education of incarcerated children which can be obscured through our established

discipline specific approaches (Ahmed, 2019). Such an approach enables us to illuminate a key point is that all papers in this Special Issue emphasise the impacts of structural disadvantages that incarcerated young people face. Not mentioned directly in this collection of papers is the well-documented point that in many countries, black and/or ethnic minority children are over-represented in the youth justice system (e.g. Hunter, 2019; Cuneen, 2020; Wainwright and Larkins, 2020), reflecting further the structural disadvantages of a racialised global society (Williams and Clarke, 2018).

These disadvantages meant that the young people have not had their learning needs met and in many cases their situation is exacerbated by incarceration. This is also the case in Nigeria which has a dearth of literature in this area. In their paper Atilola et al (2020, this issue) highlight the cross-cutting psycho-social and systemic barriers to holistic rehabilitation which include educational re-engagement of incarcerated young people. Even in countries where the youth justice systems are relatively new, what is apparent is that in all the contexts in this Special Issue (UK, US, UAE, Germany (Europe) and the African sub-continent), the story of the lives of young people who come into conflict with the law is not so different. We can also see that some of the challenges of education in secure youth justice settings are also similar in terms of the barriers and difficulties that education departments face such as leadership or partnerships (ahmed Shafi; Litz et al) with other agencies or school, the issues of transition (Rivera) or of the structural organisation of the setting and the secure estate (Andow). Through this Special Issue we highlight the systemic commonalities and the experiences of incarcerated young people and seek to move towards a shared understanding on how - if incarceration has to happen (and we would advocate the least possible of custody for the shortest possible periods of time)- how it should be used as an opportunity to change the lives of children.

This collection of papers along with the wider (though limited) literature on the education of incarcerated young people makes specific recommendations for what can be done at each level of the bio-socio-ecological systems, but placed unequivocally at the top is that of relationships between staff and young people. Time and again in each of the papers either directly (ahmed Shafi; Andow; Rivera; Brookes & Frankham; Koenig & Knospe; Litz et al; Flores et al) or indirectly (Little, Atilola et al, Case & Hazel), relationships emerge as crucial and must not be ignored.

As a collective of researchers in this field, our main and passionate recommendation is for a more ambitious and bold vision. We call for a global debate, informed by the research and led by for example the UNCRC, for governments and policy makers to challenge their ideological approach to youth offending; to challenge the structural aspects of their societies that place disadvantaged

children in unfit circumstances which create the conditions for further offending behaviour. Based on this critical self-reflection, we challenge governments and policy makers to question how and why they therefore 'deal' with children who offend in the way they do. To what extent are they perpetuating the inequalities and disadvantages of these children through the process? In the words of Little (2020, this issue), we challenge governments and policy makers 'about what a criminal justice sentence is designed to *do*, what is it designed to help the child *achieve*, […] what we think youth custody should actually be *for*' (Little, 2020, p.6). Doing so, will mean some soul-searching and deep questioning which may result in disruption to existing systems. But we argue that this is necessary for a radical overhaul of youth justice approaches which put the child as child first and offender second (Case & Hazel). We ask for adults to be responsible for the children in their society and not *responsiblise* children.

To drive effective policy and practice which derives from what we know about the situation of the education of incarcerated young people, we call upon the UNCRC to hold member states more accountable for their commitment to Article 28 and use member accountability for this global call to attention on this matter. This is because until we include all rights of all children, even those who offend, we can never claim to be 'civilised societies' - for a civilised society is judged on how it treats its most vulnerable[1], isn't it?

[1] https://www.gov.uk/government/speeches/how-a-society-treats-its-most-vulnerable-is-always-the-measure-of-its-humanity#:~:text=Speech-,%22How%20a%20society%20treats%20its%20most%20vulnerable%20is,the%20measure%20of%20its%20humanity.%22

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