



Releasing Potential

High Learning Potential in the Youth Justice System



Executive Summary

March 2012

Foreword

I make no bones about it! I am delighted to welcome the publication of this excellent and thought provoking report. For far too long, the main focus – if that is the right word – of efforts to improve the educational abilities of young offenders has been directed at the basics, which is what too many of them lack. Paying scant attention to Winston Churchill's wonderfully worded reminder in 1910 that 'there is a treasure in the heart of every man if only you can find it', far too little has been done to identify, nurture and develop the talents that they may have, to their own and the nation's advantage.

I well remember being alerted by one very capable Head of Learning in Skills that she simply was not resourced to provide educational opportunities for the very bright and gifted, because the money made available did not allow her to do anything that was not in line with the very limited performance targets that had been laid down on high. At the time I was HM Chief Inspector of Prisons and had just been alerted to a programme called Tomorrow's Achievers', which provides master classes for very bright but disadvantaged young people. Together with its author I met with the then Director General of the Prison Service, to offer funded master classes to bright young offenders, identified as such while in custody. That was in 1999. To date not one young offender has been put forward although hundreds of potential candidates have passed through the system. The tragic fact remains that the criminal justice system seems incapable of identifying and developing potential excellence.

What is particularly valuable about this report is that, in addition to being a wake-up call to all those involved with offender learning, it is also a wake-up call to government in general.

How much better if the talents that currently go unrecognised amongst those in custody, were recognised early enough for their development to prevent offending? If all educational authorities were required to monitor the progress of those with high learning potential, and make suitable arrangements for that potential to be harnessed, how much senseless waste of talent could be avoided.

Therefore I hope that this report will not just be consigned to a dusty shelf, like too many others that make uncomfortable reading for those who do not want to read them. It contains a very clear message of what needs to be done, and much sound advice on how it can be done. Let everyone remember that the only raw material that every nation has in common is its people. Woe betide it if it does not do everything it can to identify, nurture and develop the talents of its people, all its people, because if it does it has only itself to blame if it fails. Wake up!



Lord Ramsbotham
Her Majesty's Chief Inspector of Prisons 1995-2001

Summary

The Offender with High Learning Potential

It is a fallacy that gifted children do not have problems or do not need support. Many gifted children can be perfectionists and refuse to work; they experience boredom, which leads to low achievement; they may suffer from mental illness, bullying and peer pressure; and they can display challenging behaviour. Gifted children in the criminal justice system are therefore doubly disadvantaged; often with disruptive and unstable backgrounds and no clear guidance for the future.

Without appropriate support, offenders can find it difficult to break the cycle of:

1. Exclusion from school,
2. Admission to a pupil referral unit, and
3. Entrance to the criminal justice system.

It is commonly assumed that this cycle is started by a set of factors that include such things as environment, family involvement, poverty or educational disadvantage. However, what if one of the reasons was the young person's innate ability or high learning potential? More explicitly, what is the impact of high learning potential on offending behaviour patterns of crime?

This research report tests the hypothesis that many young offenders have high learning potential. It also makes the claim that, if this were the case, high learning potential should be one of the factors that lays the foundations for identifying these children and creating appropriate diversions to prevent them from embarking on a criminal career or continuing to reoffend.

What is High Learning Potential?

High learning potential is a term used to characterise children and young people who fall into one or more of the following categories:

- They have been formally identified as gifted and talented;
- They have the potential to achieve through a wide range of abilities in academic subjects,

sport, the arts and leadership, but may be underachieving;

- They are dual and multiple exceptional (high intelligence coupled with a disability or learning difficulty)
- They are profoundly gifted.

The term "high learning potential" more precisely defines some of the issues that can present themselves amongst children who could have some innate ability including those who, for whatever reason, are not necessarily seen as "gifted and talented".

Identifying High Learning Potential within the Criminal Justice System

There are many factors that make the identification of high learning potential difficult within the criminal justice system:

- Dual and multiple exceptionality: 1 in 5 children have a special educational need (SEN). As many as 1 in 6 gifted children are dual and multiple exceptional - they have a learning disability which can mask their high learning potential
- Special educational needs (SEN) are poorly identified, which reduces the chances of high learning potential being noticed. 80% of respondents in detention centres report that they do not have records for a young person that could identify their SEN
- Reliance on E-Asset: Many secure units rely on the E-Asset to identify educational needs; this assessment tool has inaccurate information, and has little information which recognises high learning potential
- No standard assessment: Each secure establishment uses its own educational assessments for young people. Most of these assessments are difficult to standardise, they have a large verbal focus, and identify current attainment levels only of young people who are compliant for assessment

Summary, continued



Breaking the Cycle Early

Here are a number of circumstances that are prevalent amongst both children with high learning potential and those in the criminal justice system. Addressing these could help divert children away from offending.

- **Boredom** is described by young people as the most common circumstance surrounding recent offences. 78% of young people truanted from a pupil referral unit due to boredom.
- **Underachievement** leads children to avoid school, especially when coupled with a learning difficulty. 46% of offending children were underachievers in education.
- **Truancing:** on any given day, 70,000 children are truanting. It is estimated that 81% of children who have truanted more than ten times from a pupil referral unit will reoffend.
- **School Exclusion:** An estimated 77% of young people had been excluded from school when entering custody. 60% of excluded children report committing an offence in the past 12 months.
- **Peer pressure:** many young people are reluctant to put in effort and achieve at school as this would isolate them from their friends. Alarmingly, 58% of students in pupil referral units reported that their group viewed crime as acceptable.

Assessing the Effectiveness of Secure Units

Institutions report being concerned about a lack of good methods to assess the quality of education that they provide. The government is currently looking for a “payment by results” system. Such a system can be adopted to track the progress of students, including those with high learning potential.

Transition out of Custody

The highest rates of reoffending occur within the first month of release from custody. The key to preventing reoffending is to keep young people stimulated in a continued and stable routine. Currently, there are problems with providing stable transition programmes:

- **Course enrolment and funding** is difficult where a young person does not fall in the local authority catchment area.
- **Release programmes** are often **inflexible** and will not coincide with the release date of their students.
- Many **release programmes** are **unreliable**; especially those that have short term funding or a small staff roll.
- **Secure units are unaware of the release programmes** which are offered by local authorities.

Background

For the past three years, NAGC has been considering the term 'Gifted and Talented' and society's perceptions of this label. It is a fallacy that all gifted children are high achievers; that they have fewer problems than others; or that they will be identified or reveal their "gifts" in school. In reality, these children suffer from a wide range of problems including:

- Perfectionism: where children refuse to work in fear of failure
- Boredom: this results in low achievement
- Mental illness
- Challenging behaviour
- Bullying: this makes children frightened of showing how clever they are
- Peer pressure: the young person prefers to truant or stop working because "it's not cool to be clever"

If gifted children in general are disadvantaged and in need of support, then gifted children in the criminal justice system are doubly disadvantaged. Alongside emotional and social difficulties, gifted children in the criminal justice system often come from a background of little stability, disruptive educational careers and no clear guidance for their future.

Barry Hymer and Carol Dweck describe the concepts of fixed intelligence and malleable intelligence. Those who accept the fixed theory hold that intelligence cannot change. As a result they avoid challenging tasks which might lead to a poor performance. These fixed intelligence theorists would see poor performance as a demonstration of low intelligence that could not be changed. Dweck and Hymer suggest however, that new learning occurs when challenging tasks are pursued.

Those who follow the malleable theory propose that intelligence can be developed through effort and experience; therefore failure and challenge are positive experiences. The problems associated

with the theory of fixed intelligence are inherent in the terms "gifted and talented" and this led the Department for Education and Skills (now the Department for Education) to consider a shift to "challenge and engagement".

A shift in approach towards the malleable intelligence theory allows us to identify and work with a number of young people in the criminal justice system with high potential who may not display traditional or academic giftedness which is supported by parents and schools.

In 2009 NAGC began to use the term "high learning potential" to challenge the old and common misconceptions surrounding giftedness. NAGC believes that it is important to explore high learning potential and consider some of the most marginalised young people in society: those in the youth justice system. Young people with high potential are those who have not been identified, but who have the potential to achieve through a wide range of abilities in academic subjects, as well as areas such as sport, the arts and leadership; those who are dual and multiple exceptional (giftedness coupled with a disability or learning difficulty) and the profoundly gifted.

Without appropriate support, the future for many young people in the criminal justice system consists of:

- 1) Exclusion from school,
- 2) Admission to a pupil referral unit or alternative provision
- 3) Entrance into the criminal justice system.

One must ask where in childhood and education this cycle starts, if high learning potential is prevalent and where diversion should occur.

This research tests the hypothesis that there are young offenders in the system who have high learning potential. If the children with high learning potential can be identified and provided appropriate diversions, they may be prevented from reoffending and kept from embarking on a criminal career.

Methodology

NAGC supports children with high learning potential regardless of their background. It believes that there could be many young people in the criminal justice system with high learning potential.

When NAGC was first established in 1967, one of the first pieces of research NAGC conducted was in the youth justice system. NAGC believes it appropriate to revisit the issue 45 years later.

Limited resources are currently available for research on the topic of bright children within the criminal justice system. Despite this, and with a small grant to cover travel and subsistence costs, NAGC decided to undertake a small pilot study to raise awareness and provide the foundations for further investigation. In responding to the green paper, “Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders”, NAGC hopes that this report will have wide implications throughout the system.

There were two stages to this research. The first stage comprised a pre-questionnaire completed by secure children’s homes. The second stage involved visiting a secure children’s home to observe classes and to interview staff and detained young people.

4.1 Stage 1: Pre-Questionnaire

A questionnaire was sent to all secure children’s homes across the United Kingdom for completion by the education department of each secure unit. The questionnaire was designed to identify the methods that secure units use to identify young people with high learning potential and the programmes that are provided by the establishments for young people with high learning potential. Moreover, the secure units were asked to assess their young people for a number of behaviours that have been used by psychologists such as Gardner and Silverman to identify high learning potential, such as creativity and interpersonal skills. Completed questionnaires yielded qualitative and quantitative data.

Once the results from the completed questionnaires had been collated, participating establishments were then asked to undertake the second stage of the project. NAGC chose one of the secure children’s homes willing to participate in the second stage, and then visited that home and spent some time working with its staff and young people. The home was geographically central in the United Kingdom, is medium in size, and has a good reputation for the work it does.

4.2 Stage 2: Observations and Interviews

When visiting the institution, NAGC observed and participated in six timetabled classes that were chosen by opportunity by the establishment. Two of these were compulsory reading classes and four were chosen by the young people from the curriculum options available. When observing the lessons, the researcher recorded the occurrence of a number of behaviours which are indicative of high learning potential as suggested by Silverman, Gardner and the Scottish Network for Able Pupils. Further comments from staff and the young people were noted to explain the context of the recorded behaviour.

A group of detained young people were subsequently interviewed for the purpose of enquiring about their educational experiences and for the purpose of gauging their learning potential. The group had been identified by the establishment as being of the highest ability out of all of the detained young people, as a result they were thought to be the most appropriate sample for NAGC to interview, given that NAGC was trying to find ways of diverting gifted children away from the criminal justice system and preventing reoffending. The interview followed a script of questions with one researcher conducting the interview and one recording the responses. It was necessary for a member of security staff to be present at all times during the interviews.

The research was conducted in accordance with NAGC’s Data Protection Policy and Statement of Ethical Research. Therefore, no information which could identify the young person or their personal details was recorded. Any quotations or case studies in this research appear with pseudonyms.

4.3 Background Research

Prior to these investigations, the researcher undertook background desk research to assess processes within the youth justice system. The researcher mapped a child’s journey from school exclusion, through the criminal justice system, and to the transition back into society. The researcher also identified current issues for which this research has implications. The background desk research was done using publications from the Youth Justice Board, the Ministry of Justice, the Prison Reform Trust and Ofsted. These investigations showed that very little research or policy exists in regards to addressing high potential in the youth justice system.

Key Recommendations

Schools, local authorities and youth justice workers should consider whether a child has high learning potential when assessing a child with a learning difficulty.

Training should be provided to schools, local authorities and youth workers on appropriate identification and statementing of special educational needs, including high learning potential.

Training to identify and support those with special educational needs, including high learning potential, should be provided to all those who work with young offenders. This training should be provided to police, court staff, lawyers, staff in detention facilities and Youth Offending Teams, and others.

All custodial units should be obliged to abide by the DfE Special Educational Needs Codes of Practice and be required to review and amend statements where new educational information regarding a young person is identified.

All secure units should undertake further educational assessments and not solely rely on the E-Asset for educational information.

Youth Offending Teams should be trained in and aware of high learning potential when completing the E-Asset forms and note any pertinent and indicative behaviours.

A standardised assessment with non-verbal focus should be developed, for use by all secure children's homes, secure training centres and young offender institutions in order to allow those organisations to identify potential.

Schools, alternative education providers and secure units should use tracking information such as the Essex Target Tracker to monitor the progress made by young people with high learning potential. Children who progress more quickly than the targets set for their age are those who should be recorded as having high learning potential.

A qualification in creativity and thinking skills should be developed, incorporating a number of combined vocational, yet stimulating activities such as art and technology, which provides accreditation for young people's work in pupil referral units and in custodial units.

School authorities should consider whether a child has high learning potential when excluding or suspending the child and should consider how the child will be supported during the suspension or expulsion.

The Ministry of Justice should adopt a "payment by results" approach regarding education within secure children's homes, secure training centres and local partner programmes according to the number of young people who progress at an average rate suggested by tools such as the Essex Target Tracker software.

Local authorities should be required to enrol minors into education, training or work programmes within 24 hours of release from a centre, as is required upon entry into a secure unit.

A relationship and method of communication between local authorities and secure units should be developed in order to best advertise all available programmes and facilities for young people on release from the establishment. This could be done through a specialist careers adviser, who works both from the unit and the local authority.

Conclusions

The Government has recently spoken about breaking the offending cycle. NAGC suggests that this cycle starts early in school for children with high learning potential. All too often, children with high learning potential are excluded from school, then admitted to a pupil referral without appropriate services for their needs, and then incarcerated in the criminal justice system.

Society's perception of gifted and talented children includes the myth that they do not need help or support. In fact many children are perfectionists who refuse to complete their work; many experience boredom, which can lead to under-performance and low achievement; and some suffer mental illness and display challenging behaviour. Dweck and Hymer's work on malleable intelligence has altered the concept of 'gifted and talented' by finding that intellect is not a fixed matter displayed by acquired qualifications, but instead is a malleable entity to be measured by progress and potential.

Children with high learning potential who are in the criminal justice system are therefore doubly disadvantaged. Traditional academia often does not meet the needs of children with high learning potential; those children frequently enter the criminal justice system already having suffered from inappropriate learning environments. Once they are in the criminal justice system, their need for engagement and challenge in courses geared towards the future might not be met. Even if children with high learning potential find engaging and challenging courses within the criminal justice system, they may not find timely and appropriate courses upon their release.

Finding a solution to the problems involving children of high learning potential in the criminal justice system must begin by finding a standard method of identifying high learning potential. Many children are dual and multiple exceptional, which means that high learning potential is masked by a learning difficulty. Moreover, few educators have sufficient training to identify special educational needs including high learning potential; many educational records are not passed on to youth offending teams; many records that are passed on are inaccurate or out of date. Several youth offender establishments rely on the E-Asset for education information about the young person, but the E-Asset contains very little relevant to high learning potential and thus can provide inaccurate information regarding educational needs. Many criminal justice system establishments

use their own initial assessments for the young people, but those assessments are typically unstandardised, inadequate for measuring high learning potential, and inappropriately focused on verbal abilities.

Once children with high learning potential have been properly assessed in criminal justice system establishments, the establishments should provide courses to engage and to challenge the children to plan for their future. Once a child's high learning potential is properly stimulated and the child is engaged in planning for the future, the child is unlikely to offend again. Astonishing numbers of young offenders have truanted or been excluded from school; offending often occurs during times of truanting or exclusion. Most of the children whom NAGC interviewed suggested that boredom and lack of stimulation in school led them to reject school and to accept crime. High learning potential should be considered as an underlying cause of inappropriate behaviour in school.

Education programmes provided by secure units should be evaluated in a meaningful way. Evaluation methods that measure the numbers of qualifications attained by the young people at a particular unit are unsatisfactory. A better method is to observe the progression of young people during their stay at a particular unit. A value-added, progress-based evaluation method fits well with current government policy stances towards funding establishments based on results achieved.

When youth offenders leave criminal justice system units, they should experience timely and seamless transition into appropriate education, training, or employment. The transition must be seamless in order to leave no vacant time in which reoffending might occur. Criminal justice system units should plan for seamless transitions by working with local authorities.

The Government recognises that there are too many young people in prison. By acknowledging that a number of these children have high learning potential, society can keep them engaged in education and divert them away from criminal careers.

With proper education, breakthroughs are possible:

"I would turn back time if I could... Until I came [to the secure unit] I had learnt nothing...but now I know I have potential... I've got high ambitions....I love learning now"

About NAGC

NAGC is the only national charity that supports the social, emotional and learning needs of children with high learning potential and provides their families, carers and local authorities with the skills and confidence to support their gifted child.

The charitable organisation was established in 1967 and currently supports about 15,000 people face to face nationally in a variety of ways including:

- an Information and Advice Service
- training and family events
- research and publications for parents, carers and children
- a network of local Branches
- training and support for professionals

Our aim is to enable every child with high learning potential to grow in confidence, thrive and achieve fulfilment.

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Ultimately any errors of reporting or fact are the responsibility of NAGC.

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