

Doing justice to speech, language and communication needs

Proceedings of a Round Table on Speech
Language and Communication Needs in the
Youth Justice Sector – November 2014



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Introduction

In November 2014, The Communication Trust hosted a round table event with key stakeholders from across the youth justice and speech, language and communication needs (SLCN) sectors. This event enabled a discussion about the current landscape, highlighting existing positive provision for children and young people's outcomes. It also identified gaps, making recommendations for practical action. The event was funded by The Helen Hamlyn Trust.

Participants discussed what is needed by the key workforce groups involved with children and young people with SLCN in the youth justice system, in order to provide them with better support. The event also provided an opportunity to identify how services and professionals are responding to the Special Educational Needs and Disability (SEND) Code of Practice that took effect in September 2014. More specifically, consideration was given to identifying preparations or concerns around the planned implementation of additional elements of the SEND Code and guidance in April 2015 which relate to detained children and young people.

A representative from The Department for Education attended the meeting to hear delegates' views on the consultation (live at the time of the meeting) around the SEND reforms for detained children and young people. Views from the meeting (and further contributions) were contained within The Communication Trust's response to the consultation, submitted on 19th November 2014, which can be accessed [here](#).

The Communication Trust is grateful to the Helen Hamlyn Trust for the funding to host this event. The Trust would like to extend its gratitude to all who attended the event and all those who contributed views to a practitioner survey conducted in advance.

'Doing justice to speech language and communication needs' brings together the key messages and recommendations from these round table discussions. Please note that this document therefore reflects the views of those present at the meeting, a subsection of the range of policy makers, professionals and practitioners working in the youth justice sector.

We hope that this document will be useful to professionals in thinking about their own work and practice; to settings and services and those who commission them, to help identify useful approaches; and at the most strategic level, to policy makers with recommendations for prioritisation and action to improve outcomes for children and young people with SLCN in the youth justice system.



Anne Fox

Director, The Communication Trust
January 2015

The incidence of speech language and communication needs among children and young people in the youth justice system

The Berrow Report: A review of services for children and young people (0-19) with speech, language and communication needs (2008) identified an estimate by the Royal College of Speech & Language Therapists that at least 60% of the then 7000 children and young people passing through Young Offender Institutions (YOIs) each year would have difficulties with speech, language and communication, sufficient to affect the young person's ability to communicate with staff on a day-to-day basis¹. Additional research in one UK establishment with young people who have offended has shown that 66-90% (depending on the exact sub-test used to assess the need) had below average speech, language and communication skills on standardised tests², with 46-67% having language skills which were 'poor or very poor'.

Moreover, we know that many children and young people with speech, language and communication needs (SLCN) do not have their needs accurately identified or supported at secondary school (see figure 1 right). The profile of SLCN changes over time; social communication difficulties can become more prominent than at primary school³ and the nature of difficulties more complex.

As a child's age increases, good 'surface' language skills⁴ or clear speech⁵ might make everyday conversation manageable, effectively masking underlying SLCN. Associated behaviour, emotional and social difficulties (BESD) or literacy difficulties may be most visible⁶ and be identified as priorities; it is likely that this will be the case particularly where a child or young person has ended up in contact with the secure estate. The graph⁷ below illustrates the issue clearly.

Additionally, the lack of specialists⁸ such as speech and language therapists (SLTs) in secondary schools coupled with lack of confidence of school staff⁹ and limited knowledge of typical language development in adolescence, mean that it is hard for schools to identify when students are behind in this area¹⁰.

Alongside issues for schools in identifying SLCN, and a lack of specialist support, it's important to also recognise that, prior to their

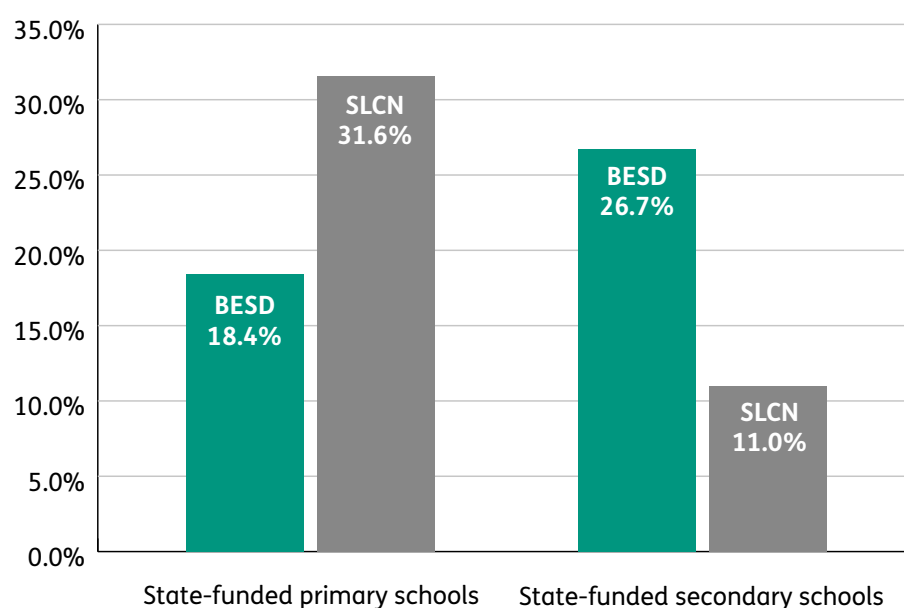


Figure 1 – DfE 2014 SEN statistics – Despite the significant prevalence of young people with SLCN in secondary schools, national SEN data consistently report a fall in the numbers of young people identified with SLCN compared to primary school – evidence of associated behaviours becoming the focus instead.

involvement with the youth justice system, many children and young people will not have attended a school in months, and possibly even years¹¹. Absence from school can also make it more difficult to evidence a child or young person's needs for the statementing or EHC assessment process (even where there is a query over SLCN), as it is based on the accumulation of evidence of action taken by the school to attempt to support additional needs.

These factors combine to mean that for many children and young people involved in the youth justice system, their SLCN will continue to go unrecognised, that key team members may not be aware of any existing SLCN the child or young person may have and information and support is not, therefore, passed on.

As a child's age increases, good 'surface' language skills or clear speech might make everyday conversation manageable, effectively masking underlying SLCN.



The importance of support for speech, language and communication needs

Children and young people with speech, language and communication needs (SLCN) ultimately have difficulties in communicating with others. This may be because they cannot say what they want to, have difficulty understanding what is being said to them or do not understand social rules of communication. For some this may be minor or temporary, whilst for others, their needs will be complex and long-term. SLCN can exist in isolation or alongside, or as part of other needs and disabilities.

The implications for a young person with SLCN within the youth justice system can be profound. Communication at key stages and meetings can be affected, for example:

- a police interview
- a court appearance
- meetings with a Youth Offending Team (YOT).

Additionally, children and young people with SLCN may not understand the terms of their sentence or what is required of them by the YOT. The youth justice system contains within it many complex processes and much technical language. These may be specifically challenging for young people with SLCN. For example:

➤ Words like 'breach', 'remorse' and 'conditional' are difficult for many of us to understand, let alone for children and young people with SLCN to make sense of. These words are commonly used in the youth justice system.

➤ In addition, if a young person struggles to understand the concept of time and time-telling in order to attend appointments or struggles to estimate the time it will take to travel from one place to another, they may inadvertently breach some of the requirements made by the YOT.

➤ Furthermore, someone who doesn't know to alter the type of communication used with friends versus that used with the magistrate may appear rude, 'cocky' or insolent.

SLCN can also prevent young people from benefiting from verbally mediated interventions (i.e., those that rely on talking or understanding what is being said). Interventions can include education, counselling and offender behaviour work. The verbal content of such programmes disadvantage children and young people with SLCN, often making information and support difficult to access. It also means that the programmes are less likely to be successful, contributing frequently to reoffending.

While research identifies that large numbers of children and young people in the youth justice sector will have SLCN, many of these needs will not have been identified. In fact, Bryan and her colleagues highlighted that in only 5% of cases were SLCN identified before the offending began¹². Significant challenges within the youth justice system include how to identify young people's SLCN, the complexities and language associated with youth justice processes and how best to support SLCN within this context.



Appropriate identification of SLCN will not only enable appropriate strategies to be put in place to support the young person, but also ensure that their needs are fully recognised by all relevant practitioners. Identification may also support the child or young person, themselves, to better understand areas of language and communication which they find difficult.

It is essential therefore that the youth justice system, and those working within it, fully understand the scope and impact of SLCN, and the importance of working collaboratively with specialists in communication such as speech and language therapists. The aim is to ensure effective support for a child or young person's SLCN is in place throughout their involvement with the youth justice system and ultimately to reduce re-offending.

The implications for a young person with SLCN within the youth justice system can be profound.



The special education needs and disability reforms (SEND) for detained children and young people – the background

The Children and Families Act 2014 introduced a series of reforms to the system of support for children and young people with special educational needs and disability (SEND). The reforms came into force on 1st September 2014, with the exception of statutory requirements relating to children and young people detained in youth custody, which come into effect in April 2015. As well as applying to all children and young people with SEND from 0-25, the reforms make significant changes to the special educational needs support currently provided for children and young people in the youth justice system.

Part of the new legal framework introduces new requirements for supporting children and young people with SEN when they are detained in youth custody. This part of the framework applies to children and young people **aged 18 and under** who have been sentenced or remanded by the Courts to relevant youth accommodation in England. Relevant youth accommodation is a Young Offender Institution, a Secure Training Centre or a Secure Children's Home.

In relation to detained children and young people aged 18 and under, the Children and Families Act and supporting regulations and guidance aim to ensure:

- One local authority is responsible for a child or young person's special educational provision while they are in the community and in custody
- Continuing and appropriate special educational provision when a child or young person is in custody
- Support for the resettlement process through identifying need and ensuring that provision continues when a child or young person returns to the community
- Best use of the time that the child or young person is in detention, so that an assessment can get under way and support can be put in place immediately on release

More information about the reforms and their application in the youth justice system can be found in a useful briefing produced by The Council for Disabled Children [here](#).

The Communication Trust submitted a response to the Consultation from The Department for Education on the draft regulations and Code of Practice and this can be accessed [here](#).



The current picture

At the round table event, delegates discussed recent changes and trends that they've noticed in their settings and services. Below we use key themes from these discussions, as well as issues identified by YOTs who took part in a short survey run by The Communication Trust, to build a picture of current provision for children and young people with SLCN in the youth justice system.

SLT input and support was highlighted as being increasingly prioritised by forward thinking services and this was resulting in a real change in practice.

➤ **Special educational needs and disability (SEND) reforms**

Many professionals reported shifts in their services in preparation for the SEND reforms already, across both the strategic and service levels.

Broadly, changes include service planning and team restructuring, to ensure the service is able to manage the increased provision to be made for children and young people with SEND. They also included the formation of working groups and practice sharing forums, as well as increased emphasis on securing staff training around SEND.

The SEND reforms for relevant youth accommodation require services and local authorities to make a number of changes to ensure continuing and appropriate special educational provision is available when a child or young person is in custody.

Notably however, a number of services reported not yet being aware of the changes that have either recently come into effect or are on their way, or of the impact that these changes will have on their work.

➤ **Speech and language therapy (SLT) input**

SLT input and support was highlighted as being increasingly prioritised by forward thinking services and this was resulting in a real change in practice.

Funding and recruitment of SLTs to support children and young people in the youth justice sector is reported to have increased, both in YOTs and relevant youth accommodation. Professional networks of SLTs working in the sector are increasing and we've heard from a Clinical Excellence Network in the field which had 6 SLTs 2 years ago and has grown now to a network of 20 – a significant and impressive shift.

Practitioners and professionals at the round table event noted the following examples:

- SLT input to the pre-sentence report for children and young people where this may be relevant, can provide important information which impacts on the length and type of sentence given.
- SLTs supporting identification of children

and young people with SLCN through assessments and through the use and development of screening tools. SLTs also play a key role in discussions and reviews of individual cases.

- Once children and young people are identified as having SLCN and needing speech and language therapy, SLTs provide interventions and support to ensure the children and young people are able to make progress. SLTs implement these interventions in their own work and also support other staff to be able to use them effectively too.
- SLTs are a vital conduit for training and CPD to less specialist staff. They are able to provide strategies and support approaches that can be implemented across the service to improve provision for all children and young people, as well those with SLCN.

However, whilst there were a number of positive examples of SLT input, there was a consensus that overall, the availability of support nationally is inadequate.

➤ Education provider contracts

The contracts for education providers have recently been re-tendered. The Department for Education, Department of Health and Ministry of Justice are working together to ensure these contracts include an appropriate focus on supporting children and young people with SEND and are in line with requirements of the SEND reforms.

It was reported that some providers are already planning changes to the way they work, in order to ensure they are meeting a duty to cooperate with health colleagues. Such colleagues include SLTs and other professionals who provide appropriate SEND support to all children and young people in the setting.

Some services also reported already starting work to up-skill their workforce including enrolling a member of staff to the National Award for Special Educational Needs Co-ordinator (SENCOs) and providing additional training to learning support assistants to help them better support children and young people with SEN.

➤ Assessment procedures

A number of professionals highlighted the development and proposed roll out of the AssetPlus tool as a significant change in their service.

AssetPlus is a new assessment and planning framework developed by the Youth Justice Board (YJB) to replace the existing Asset tool. It aims to provide a holistic screening and intervention plan, which allows one record to follow a child or young person throughout their time in the youth justice system. AssetPlus incorporates elements of the Royal College Speech and Language Therapists screening tool with additional neuro-disability questions.

The AssetPlus team have released the screening tool as an 'Early Practice Change', which provides the opportunity for YOTs to use the tool before they receive AssetPlus as part of the phased deployment beginning in July 2015. Answers on the tool which trigger a 'yes' or 'sometimes' result to any of the screening questions should be followed up with additional information in a dedicated space at the end of the tool.

The aim is that use of this tool results in a 'fast-tracked' referral being made for the Comprehensive Health Assessment (neuro-disability)

Tool (CHAT) to be carried out by a specialist health worker, or alternative local tools/ practices can be used. In secure establishments where the CHAT is mandatory, the AssetPlus screening tool will inform their own CHAT assessment.

It was highlighted that it's important that it is recognised that these tools are useful for screening by youth justice practitioners, but that they must lead to a full speech and language needs assessment by a specialist in this field in order to fully understand the nature of a child or young person's SLCN.

Inevitably, austerity measures are having an impact in the youth justice system, as they are on many other sectors.

➤ **Issues of funding and resource**

Inevitably, austerity measures are having an impact in the youth justice system, as they are on many other sectors. Whilst it is hoped that the SEND reforms and Transforming Youth Custody changes will lead to an increase in staffing for many services, and the Youth Justice Board are not aware of any attempts to reduce staffing levels in the under 18 estate, currently funding restrictions, the issue of cuts to funding and the restructuring of services are reported by some practitioners to have had a significant impact on their service.

These issues were noted to have had a particular impact around difficulties securing identification and support mechanisms for children and young people with SLCN in the youth justice system.

It was mentioned by some that unstable staffing structures within services were felt to have had an impact on the capacity of staff to both identify SLCN and to deliver intervention and support. They have also led to a high turnover of staff in some settings which means that, too often, staff who had received training and CPD on SLCN have left the service without being able to embed their learning in the wider practice of the service.

➤ **Support for children and young people in court**

The increased profile and availability of registered intermediaries was highlighted as an important step forward. The extension of the intermediary programme to include support for vulnerable defendants, as well as witnesses and victims, was particularly highlighted as a vital change.

However, it was also noted that there remains a long way to go in ensuring all children and young people who need one have access to an appropriately qualified registered intermediary to support them through the court process.

[Intermediaries for Justice](#) is a new professional network for intermediaries. It aims to increase awareness and understanding of intermediary work and to promote the use of intermediaries with child and adult vulnerable victims, witnesses and defendants. It will provide links between intermediaries, legal and other professional bodies to ensure appropriately qualified intermediaries are able to support as many vulnerable children and young people through the court process as possible.

The case for improved support for speech, language and communication needs

Whilst some of the changes outlined above have secured improved services for children and young people with speech, language and communication needs (SLCN), there remains a long way to go in ensuring the youth justice system effectively identifies and supports this group. This impacts on the children and young people, both whilst they are in the system but, crucially, also after they have left it. While this document focuses on SLCN within the youth justice context, it would clearly be beneficial that any SLCN were identified and supported at the earliest possible point through health and education services and therefore before any contact with the youth justice system.

The areas outlined here are those which came through most strongly as really requiring improvements from the professionals whose views we heard. The recommendations are in no particular order. We've aimed to provide detail about the particular reasons highlighted for these areas being so vital. In the final section of this report, we offer some thoughts around opportunities and ideas to influence the changes needed.



Training and professional development

More high-quality, structured and measurable training around SLCN should be available and accessible for all staff in the system:

Vitally, this needs to be understood as ongoing – not viewed as a one off event, but continuing professional development (CPD). Training should include clear learning outcomes and strong systems for evaluating and measuring impact. This will enable learners to clearly see an impact on their knowledge and practice, and enable services and training providers to demonstrate clearly the effectiveness and impact of their training, which isn't always possible with existing evaluation mechanisms.

Sustainability and providing routes to embed knowledge gained in training across a service are also seen as vital to ensuring the impact reaches beyond the members of staff who received the training and benefits the service as a whole. High staff turnover is a feature of many services within the youth justice system and can result in knowledge and skills being lost.

In further developing training offers, it is essential that the method of delivery is considered carefully. Practically, face to face training can be difficult because of time pressures on Youth Offending Services, meaning that it is difficult to release people for training, though we know from our survey that this is the type of delivery that staff want most.

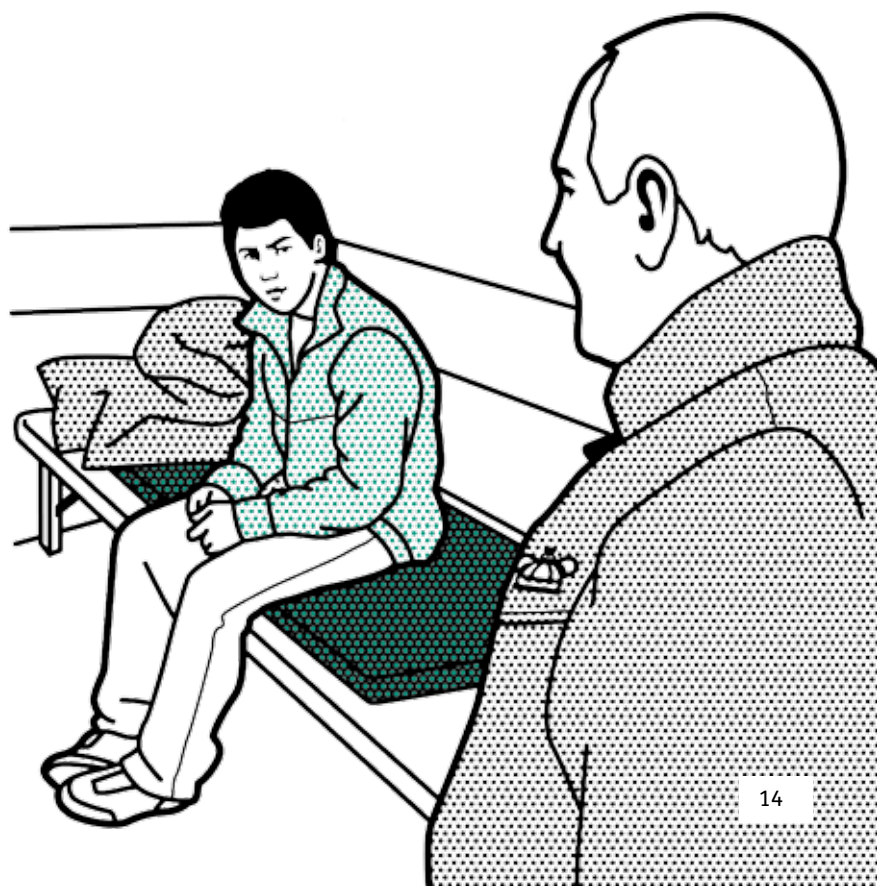
There needs to be a more co-ordinated approach to training and CPD which maps across the needs of different professionals:

Training around SLCN, offered in the youth justice sector to date, has been via disparate routes, especially in YOTs. The range of professionals and practitioners who work in the youth justice system must be considered; children and young people in the system come into contact with a number of different people and it's essential that all of them have an understanding of the central importance of language and communication. This includes the police, magistrates, court staff, YOTs, prison officers, education providers, health professionals and many others. Ensuring training is available at a level appropriate for these individuals, yet with shared messages, is essential to progress.

Understanding what communication is, how it develops and how it works is essential to effectively understanding issues within areas such as SLCN, dyslexia or autism spectrum disorders.

Training should be tailored to the needs of different staff but should build from a firm and universal base:

Understanding what communication is, how it develops and how it works is essential to effectively understanding issues within areas such as SLCN, dyslexia or autism spectrum disorders. Additionally, being aware of the importance of communication, and concepts such as theory of mind, were seen by some as particularly important in achieving restorative practice.



When identification of needs does occur and intervention to support children and young people's SLCN has taken place, there is often felt to be a lack of focus on recording and monitoring outcomes.

Collecting and sharing evidence of interventions and outcomes

Outcomes following identification and intervention should be recorded, monitored and shared:

When identification of needs does occur and intervention to support children and young people's SLCN has taken place, there is often felt to be a lack of focus on recording and monitoring outcomes.

Sheffield University is currently carrying out some work to look at the impact of SLT involvement on reoffending rates. It is important that research such as this is disseminated and used to support better service provision across the sector.

Routes for sharing and disseminating information about evidence of impact and outcomes should be more accessible to staff:

A number of services felt they were not able to share effectively the evidence of impact and outcomes that has been gathered.

Many noted that the Youth Justice Board and heads of service are essential in sharing information on outcomes across national platforms. In addition, service information can be shared through professional networks.

Ensuring all staff understand that difficulties with communication skills are a common theme throughout the lives of many young people who offend and one which must be seen as such, not as a distinct or separate educational issue, is especially important.

Support for professionals in understanding and supporting SLCN effectively

It is critical to ensure that all staff working in the system have a firm, basic understanding of the prevalence of SLCN in the population of children and young people they work with (upwards of 60%):

We know that some professionals are knowledgeable about the levels of SLCN in the children and young people they support. However there are many who are not, and there are even more who, regardless of their understanding of the level of need, feel they lack the knowledge and skills to support a child or young person's SLCN and signpost or refer effectively.

A recent scoping exercise carried out by the Youth Justice Board identified SLCN as the highest priority for those working with children and young people in the secure estate. In particular, the exercise highlighted identification and pathways for referral post identification as areas that staff found especially difficult. The issues were compounded by the fact that it was found that only 40% of respondents' services had any access to a speech and language therapist.

Staff need to understand the role communication skills play across a child or young person's life and to recognise when specialist support is needed to support these skills:

Ensuring all staff understand that difficulties with communication skills are a common theme throughout the lives of many young people who offend and one which must be seen as such, not as a distinct or separate educational issue, is especially important.

For many professionals and practitioners in the youth justice system, this level of understanding also needs to be taken deeper and further, and they will need support to understand strategies and approaches to help children and young people who have SLCN once they've been identified. Staff also need to have a clear understanding of what is required to trigger more targeted or specialist support. Essential to this is, of course, having access to an established channel of communication with a specialist such as a speech and language therapist.



Given the incredibly high prevalence of SLCN in the youth justice cohort, it is essential that SLT provision is given absolute priority.

Increased access to speech and language therapists

Despite the positive developments, more still needs to be done to ensure all youth justice services have access to a speech and language therapy service:

Data held by the Royal College of Speech and Language Therapists outlines details of all services which have an SLT working with them, either on a full-time or part time basis. Whilst the list shows a growth in numbers over time as the issue has become more prominent, there remain, in some cases, whole regions without access to any SLT support and others where provision is isolated or patchy.

Given the incredibly high prevalence of SLCN in the youth justice cohort, it is essential that SLT provision is given absolute priority. Lord Ramsbotham has highlighted the importance of the role of SLTs in the justice system – *‘In all the years I have been looking at prisons and the treatment of offenders, I have never found anything so capable of doing so much for so many people at so little cost as the work that speech and language therapists carry out.’*¹³

Speech and language therapists provide more than direct support to individual children and young people; they should play a central role in up-skilling staff and implementing best practice across a service:

SLTs support both the delivery of screening processes such as AssetPlus, but also the interpretation of the data gathered in some cases, and play a crucial role in identifying hidden SLCN. They also provide support and training to staff, including strategies they can use in their day-to-day work to support communication. SLTs also provide access to more detailed assessment, referral routes and specialist one-to-one support for those children and young people who need it. All of these elements have a clear role to play in outcomes for children and young people with SLCN.

Though the SEND reforms now make it possible for children and young people to be assessed for an EHC plan whilst detained, it is important to recognise that there will continue to be a significant group with SEN who will not be eligible for a plan but still require support.

Identification and support for those without statements or Education Health and Care (EHC) plans

Identifying and supporting those children and young people with SLCN, but without a statement or EHC plan, is absolutely crucial:

This relies, in part, on ensuring that staff are aware and make other agencies and colleagues aware too, that not having either a statement or EHC plan does not mean that the child or young person may not have significant additional needs which must be identified and supported appropriately.

Although we know that detained children and young people are around 6 times more likely to have a statement of educational need than their peers in the community (at 18% compared to 3%)¹⁴, the vast majority of young people who have offended will still not have a statement (or EHC plan), despite the likelihood of them having SLCN. Though the SEND reforms now make it possible for children and young people to be assessed for an EHC plan whilst detained, it is important to recognise that there will continue to be a significant group with SEN who will not be eligible for a plan but still require support.

The changes to the school system, implemented through the SEND reforms, have seen the introduction of a single SEN support category for those without EHC plans, removing the school action and school action plans + categories that youth justice staff may have been aware of previously. We also, of course, know that for many children and young people entering the youth justice system, their SLCN will never have previously been identified. This places a greater emphasis on the youth justice team to identify any SLCN and to ensure an EHC assessment is carried out where appropriate.

Support for those aged 19 and over

A strong focus needs to be placed on ensuring practitioners and professionals working with young people aged 19 and over (both back in the community and whilst detained) know about the changes to SEND legislation, their role in that process and also that they require a firm base in understanding and supporting children and young people's SLCN:

Whilst the SEND reforms are very welcome in their application in the youth justice system, concern was expressed about the minimal impact they will be able to have on those aged 19 and over whilst in detention. Practitioners across the board have noted the arbitrary nature of this age limit and are concerned that the support the young person will have received before that date will be effectively lost once they become 19.

Practitioners also raised concerns about the lack of recognition of the role that adult probation, education and social services will play in the lives of young people aged 19-25 with SLCN once they are released back into the community.

Professionals are keen to be able to share their ways of working and examples of best practice with their peers in an accessible and reactive way.

Sharing best practice

Systems and networks, both national and local, should be further developed to support the sharing of best practice:

Because of the nature of those in the youth justice system and the settings themselves, many staff are developing practice and resources that are tailored specifically to the needs of the children and young people they work with and they are keen to share this work.

Although central knowledge-sharing sites exist, it is often difficult for busy practitioners to engage with them. Professionals are keen to be able to share their ways of working and examples of best practice with their peers in an accessible and reactive way. Increased networks of peer-to-peer information sharing would be welcomed by many. Some noted that just sharing what people are doing day-to-day in their work, regardless of whether it's been specifically identified as best practice, in a structured but informal way is useful for many practitioners in comparing and contrasting approaches to supporting children and young people.

More opportunities to get out and visit neighbouring services and authorities were highlighted in particular as something staff would find useful. However, many did note the central role that could be played by the Youth Justice Board and heads of services in disseminating information and practice effectively.

Some practitioners also mentioned that they would value access to online subscription services and sector and policy updates to keep them up to date on what's happening in the wider context, but also would value opportunities to share their own experiences and best practice through these channels on occasion.

The role of parents/carers of children and young people in the youth justice system is centrally important, in particular in supporting a child or young person in preparing for and understanding the process of going into court or custody.

A focus on parents and families

Support for professionals in successfully engaging parents/carers of children and young people in the youth justice system is absolutely crucial:

The focus of the SEND reforms on greater involvement of parents and families is absolutely welcomed. The role of parents/carers of children and young people in the youth justice system is centrally important, in particular in supporting a child or young person in preparing for and understanding the process of going into court or custody.

However, often immediate family members of a child or young person with SLCN in the youth justice system may have additional needs themselves. This may make engaging meaningfully with the family members as complex as it is to engage with the child or young person themselves.

We know that SLCN can persist into adulthood and studies suggest that parents who have not experienced a responsive, language-rich environment, who did not achieve at school and who perhaps have poor literacy, are not in a good position to provide positive communication opportunities for their children^{15,16}. We know too that parents who do not complete secondary education are at risk of having children with limited language skills¹⁷. This clearly indicates the potential for persistent, intergenerational issues with SLCN in families.

In addition, there are a large number of looked after children and young people in the youth justice system. A 2011/12 survey of 15-17 year olds in YOIs, found that 30% of young men and 44% of young women reported being in local authority care at some point¹⁸.

It's clear therefore, that the background and incidence of additional needs in the families of detained children and young people can be complex. This highlights the importance of providing support to practitioners and professionals working in the youth justice system around strategies and approaches to support them in engaging parents and families effectively.

Because of the likelihood that the SLCN of a child or young person remain unidentified before involvement in the youth justice system, the child or young person may in many cases be unaware of or unable to articulate their needs.

Support for the person centred approach for children and young people in the youth justice system

In order to understand and take advantage of the new rights and support available to them, children and young people with SLCN in the youth justice system need to be provided with specialist advocacy and support services:

Because of the likelihood that the SLCN of a child or young person remain unidentified before involvement in the youth justice system, the child or young person may in many cases be unaware of or unable to articulate their needs. In fact, anecdotal discussions among professionals at the event highlighted that it is often the children or young people with the most significant needs who have the least insight into how these needs impact on communication, access to information and on relationships in a range of circumstances.

The SEND reforms focus on a person centred approach where the child or young person has the right to request assessment and support. Whilst this is a warmly welcomed aspect of the reforms, for many of the children and young people with significant SLCN in youth custody, specialist support and advocacy will be essential to ensure they're empowered to use these new rights as intended. Without this vital support, the risk is that many children and young people will not understand the support or choices available to them and, as a result, risk being left inadequately supported.

It has been highlighted particularly that in some services, specialist support has been hit by funding freezes or reductions and has been subsumed into wider services.

Resources, funding and the impact of change

It's clear that the current economic climate means difficult decisions need to be made across a number of areas. However, the impact that restriction and cuts to funding in the youth justice sector have on some of the most vulnerable children and young people in our society must be recognised.

Equally, this sector is dealing with the impact of considerable change across their area of work– compounded by changes to education, SEND, social care and health services which will impact on the ability of services and practitioners to fully meet the needs of this vulnerable group. It has been highlighted particularly that in some services, specialist support has been hit by funding freezes or reductions and has been subsumed into wider services. This leads to specialist services being removed from the YOT or custody service specifically, making it more difficult for those children and young people in these services to access them, in turn impacting on the success of the youth justice system.

Achieving the changes needed – some recommendations

The aim of this report is to provide a platform from which practitioners and services across the sector, as well as policy makers and strategic leads, can think about the different approaches, challenges and opportunities within their service or remit. We also intend it to serve as a call to action for those with the potential to influence this change and to support those pushing for it.

There remain some key challenges to moving provision for children and young people with SLCN in the youth justice system further forwards. However, there are also some clear opportunities for change and achievable recommendations that were explored by professionals at the round table.

The points here are not exhaustive and do not fully address all of the challenges raised. However, we hope the information in this final section provides a useful summary of some of the creative ideas and approaches that were highlighted in the round table discussion that can be used as a launch pad for those working to achieve vital change for this group of children and young people.



It would be useful for services that have worked to develop a business model approach to provision to ensure they're capturing the processes, benefits, challenges and impacts on the children and young people they support.

Creative approaches to funding and commissioning

We heard from professionals that in some areas, YOTs are thinking about how they can rearrange their way of working and their commissioning to have a more sustainable business model. This involves YOTs taking control over the relationships they need to build with other professionals and working with others to buy in the services needed directly.

This is a recent development and is not happening across the board. Where it is happening, YOTs are buying in services for children and young people with SLCN, rather than going via the usual routes and awaiting central guidance and support from the Youth Justice Board. This sort of service development and adaptation is happening in other areas of the SEN system beyond youth justice settings. Though not appropriate for all services or settings, where it has worked well, this approach is being welcomed by many.

Recommendations:

Practitioner level

- It would be beneficial for practitioners in services using this model to share information about their experiences with others interested in finding out more about it. Peer-to-peer networks can be really effective ways of sharing information and encouraging change, so spreading the word about innovative practice through these networks is essential.

Service level

- It would be useful for services that have worked to develop a business model approach to provision to ensure they're capturing the processes, benefits, challenges and impacts on the children and young people they support. Ensuring the findings from those services which use innovative delivery approaches are recorded and shared is a key part of service evolution.
- It is important that all staff in the service are involved and informed about models for delivery. Service managers can share information with caseworkers and other staff about commissioning processes and options around service development. Appointing a 'champion' may be a useful way of sharing information through a central contact.

What Works provides information on more than 50 interventions aiming to support children's speech, language and communication.

Policy level

- National and local government, agencies, channels and networks should share good practice information and examples to showcase where innovative approaches to funding and commissioning are being used by services.
- National and local Government guidance on commissioning and joint commissioning should include a focus on how commissioning can and should work in youth justice services.

Support and direction in evidencing impact of training and interventions

In order to support services to monitor and evidence the impact of training received, steps should be put in place to help staff measure the impact of training in terms of learning and practice and a framework should be established across the service to formally record this.

The evidence base of both the interventions to use with children and young people with SLCN and the training to increase staff knowledge is growing quickly and there is momentum to further improve it. The 2014 SEND Code of Practice is clear that those working with children and young people with SEND should use evidence-based interventions and approaches and are responsible for accessing the best possible evidence. Additionally, the sector should work collaboratively to build and strengthen the evidence base. Organisations delivering the training or intervention must work increasingly to ensure there is a robust evidence base behind it and include information about this clearly in their offer.

Recommendations:

Practitioner level

- It would be beneficial for practitioners in youth justice services, using an intervention with a child or young person, to support their speech, language and communication, to become familiar with The Communication Trust's '[What Works](#)' virtual library and find out more about the intervention's evidence base. *What Works* provides information on more than 50 interventions aiming to support children's speech, language and communication. If an intervention is not listed and is something being commonly used in the service, The Communication Trust



would be interested to find out more about it and explore its evidence base. Development is also underway to extend *What Works* into evidenced based training programmes.

- Practitioners may find it useful to use the [speech, language and communication framework \(SLCF\)](#) to audit their current skills and knowledge in relation to SLCN, and to monitor gains in confidence following training and CPD.

Service level

- When commissioning training or intervention packages for SLCN, services should give due consideration to the evidence behind them, and also to the way their setting or service may be able to contribute to further developing this.
- It is useful for services to have a clear framework in place to ensure a robust process for measuring effectiveness and impact of any training, as well as a mechanism for sharing learning across the service. Services who don't already have one may want to work with practitioners to develop a framework for this.
- Systems in place to monitor progress of children and young people who have offended should include information on training or intervention programmes that have taken place, to identify the impact of the training on children and young people's progress and re-offending rates.
- Services may find using the [speech, language and communication framework \(SLCF\)](#) a useful tool to plan and record training and CPD for staff.

Policy level

- National policy must provide a clear expectation that services use evidenced based approaches wherever possible.
- It must also encourage the growth of the evidence base more widely. Strategic policy leads should give serious consideration to an increased research and policy focus on the benefits of evidenced based approaches for supporting SLCN in the youth justice system, the outcomes for children and young people who have offended and the rates of reoffending.

It would be beneficial for services to monitor progress and re-offending rates of children and young people with SLCN and compare them with other groups supported by the service.

Identifying and supporting SLCN

The information provided in earlier sections of this report details the difficulties and importance of identifying SLCN in children and young people in the youth justice system. Steps have already been taken to move towards greater identification through tools such as AssetPlus and through specialist services like speech and language therapy. However, it is clear that there is room for improvement in this area to ensure that appropriate support is available for the 60+% of children and young people with SLCN in the youth justice system.

Recommendations:

Practitioner level

- It is important for practitioners to be aware of the likelihood of children and young people in the youth justice system having SLCN and how these can be masked by other issues such as behaviour.
- Practitioners should have access to resources such as [‘Sentence Trouble’](#) and training packages that look into how to identify and support children and young people with SLCN and share this information with colleagues.
- Practitioners should have access to information and guidance about additional tools that can be used to support in identifying children and young people with SLCN – for example AssetPlus and The Communication Trust’s [‘Progression Tools’](#).

Service level

- It is important for services to be aware of the incidence of SLCN within the population of children and young people in the youth justice sector and the importance, therefore, of screening for these needs.
- It would be beneficial for services to monitor progress and re-offending rates of children and young people with SLCN and compare them with other groups supported by your service.
- Given the well evidenced prevalence of SLCN in the youth justice system, services should have a screening process and tools in place for all children and young people entering the service and should ensure the results of this screening are recorded centrally

Any national competency frameworks for professionals in the youth justice system should include a focus identifying and supporting SLC/N.

and shared with other professionals working with the child or young person.

Policy level

- National information sharing networks and services such as the [‘Effective Practice Library’](#) should be supported and reviewed regularly to ensure they are up to date and include relevant resources and evidence to support effective practice. Any national competency frameworks for professionals in the youth justice system should include a focus identifying and supporting SLC/N. It is essential that the YJB lead by example on this in ensuring its own qualifications and training include a specific focus on SLCN.

Securing more support from speech and language therapists and other professionals

Many services reported the importance of different specialists across their team in supporting children and young people with SEN (and SLCN specifically). Many staff reported that CPD and training has frequently been delivered internally by specialists such as SLTs or autism specialists already working in the service or setting.

Educational Psychologists (EPs) were noted by many as another key group, and in some locations, they are leading on the implementation of the SEND reforms in relevant youth accommodation.

The vital support of SLTs in identifying, supporting and ensuring appropriate progress of children and young people who offend is detailed earlier in this document. Professionals at the round table event however highlighted the current lack of clarity around commissioning responsibilities for speech and language therapy in the youth justice system. They noted that this issue is creating challenges in securing SLT support and were clear that this it must be clarified by government in guidance around the SEND reforms and Code of Practice.

Recommendations:

Practitioner level

- It is important for practitioners to feel they have a close working relationship with the speech and language therapist and EP linked with the service. This relationship can work both ways:

Guidance must provide clarity around the commissioning of speech and language therapy in the youth justice system, with the responsibilities of both health and education providers in providing the vital service detailed clearly.

Practitioners will be able to support the SLT in their work with particular children and young people by keeping a record of examples of things they have noticed about their difficulties, enabling the SLT to gain a full picture; and by working closely with the SLT, practitioners will also be able to learn strategies and approaches that best support each child or young person's SLCN.

Service level

- It would be beneficial for services which have access to an SLT to share information with other services which don't. This is a key part of raising awareness of the importance of the role and encouraging other services to commission SLT support. Information to be shared includes detail about the support SLTs have provided and the impact they've had.
- It would be useful for services which don't have regular, close access to an SLT in their team to explore with other services how SLT input supports their work. This may provide useful information and examples to help secure future SLT support. The list held by the Royal College of Speech and Language Therapists, that outlines which services have access to an SLT, can support this.

Policy level

- Guidance must provide clarity around the commissioning of speech and language therapy in the youth justice system, with the responsibilities of both health and education providers in providing the vital service detailed clearly.
- National figures should be published on reoffending rates which include analysis of differences between services with and without SLT support (Sheffield University is currently carrying out some research in this area). Unfortunately there remain a number of locations where support for children and young people with SLCN in the youth justice sector is not yet fully developed. It would be useful to gain data from these locations as a baseline and to monitor their progress as they move further along their journey.
- Details of good practice, including the use of SLTs, should be published nationally and funding made available to ensure that all youth justice services have access to appropriate professional support from an SLT.

The SEND reforms place an absolute focus on the importance of person-centred approaches.

Involving children and young people – an opportunity for collaborative approaches

The policy directive about the central importance of involving children and young people in decisions about them and empowering them to take control of their own support has never been clearer. The SEND reforms place an absolute focus on the importance of person-centred approaches.

Excellent practice already exists in the youth justice sector around this area, and many services are clear that the co-production of programmes with children and young people is essential to their success.

It was felt at the round table discussions that using the current momentum to increase involvement of children and young people with SLCN, is a key opportunity.

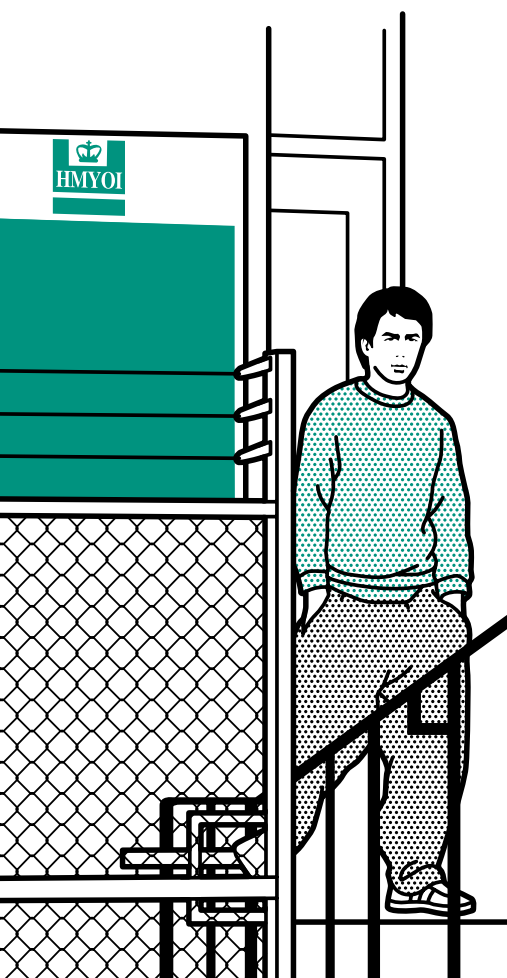
Recommendations:

Practitioner level

- It is essential for practitioners to be able to provide structured opportunities to meaningfully involve children and young people in the support and intervention they are receiving. It would be helpful to signpost practitioners to the materials available to help build knowledge of what meaningful engagement looks like and how best to achieve it.
- A central part of meaningful engagement is ensuring that the impact that SLCN may have on a child or young person's ability to get involved is factored in. It is therefore important for practitioners to be supported to gain a picture of the child or young person's strengths and weaknesses when planning collaborative approaches.

Service level

- It is essential that identification of SLCN takes place and that discussion (with appropriate communication strategies in place) follows to enable the child or young person to understand the nature and the impact of their difficulties and the effects of their offending behaviour and rehabilitation. Services can provide processes and structures for practitioners to follow to ensure this is a part of a child or young person's journey through the system.



Many vulnerable children and young people will have SLCN which prevent them from engaging with and understanding the court process.

- Services play an important role in supporting practitioners to understand levels of collaboration and the difference between information sharing and full involvement of children and young people in planning for their future. It's also essential that staff have adequate knowledge about the impact of collaboration on short and longer term outcomes for children and young people.
- It would be useful for services to collect evidence of how practitioners and professionals collaborate with children and young people in their plans for intervention and support as this can help services gain a fuller understanding of the impact of this approach and also see where improvements can be made.
- Share experiences and materials for collaboration with children and young people with SLCN from your service through other networks, publications and contact with neighbouring services.

Policy level

- Best practice guidance should be provided for services and practitioners on involving children and young people in both decisions about their support and also in the development of intervention and training.

Building on changes to support vulnerable defendants, witnesses and victims

Registered intermediaries play an important role in allowing vulnerable witnesses and defendants with communication needs equal access to justice. Many vulnerable children and young people will have SLCN which prevent them from engaging with and understanding the court process. Registered intermediaries assist them in communicating during an investigation and at trial.

The increased profile of registered intermediaries was highlighted as an important step forward, though there remains a long way to go, as outlined earlier in this report.

In some areas, magistrates themselves have received training on SLCN and communication strategies, some of which was provided by The Communication Trust. More training for magistrates is recommended.

Recommendations:

➤ Practitioners have a key role to play in bringing to the attention of the court any child or young person they work with who may need a registered intermediary.

➤ Services should ensure identification systems are strong and referral/access systems for these services are in place throughout a child or young person's journey. Appropriate identification of children and young people's SEN is necessary in order to ensure that appropriate support can be in place for them when they need it, including through the court process.

- There should be a national awareness programme with courts and the judiciary to highlight registered intermediaries, their role and who can ask for one. In particular, there needs to be a concerted effort to raise awareness of the statutory criteria which empower a court to allow the examination of the defendant to be conducted through an intermediary (section 104 of the Coroners and Justice Act 2009) which has not yet been implemented, though is enshrined in law.

- There should be a national programme of training in SLCN for magistrates.
- Funding for registered intermediaries is an issue which needs to be resolved in order to ensure that all children and young people who would benefit from access to one are able to.

A focus of the SEND Reforms is to ensure greater collaborative practice between professionals and to reduce the likelihood of children and young people ‘falling through the gap’ when they move from one part of a service to another. This is absolutely essential in the youth justice sector where there is a complex group of professionals involved in each and every child or young person’s journey. Best practice examples have often centred around YOTs or other youth justice service teams working closely

It has been shown that in areas where links have been forged with the SEN team in the community, this has often been highly effective. Services should consider setting up such arrangements if relationships are not already in place.

with the Local Authority SEND team. This has been shown to be a highly effective and collaborative approach which is seeing real benefits for children and young people with all types of SEND, including SLCN.

Recommendations:

Practitioner level

- It's important for practitioners to be aware of the range of professionals and practitioners who are in place outside of the immediate service team. Understanding more about their role can be a useful starting point for practitioners in thinking about more joined up approaches.
- It may also be useful for practitioners to be able to identify and be supported to access opportunities available to shadow, or meet with other relevant professionals to share knowledge, skills and approaches.

Service level

- It would be useful for service leads to facilitate regular multi-disciplinary meetings to discuss professional and practice issues and receive input from the range of practitioners that work with children and young people both within and outside of the youth justice system. It has been shown that in areas where links have been forged with the SEN team in the community, this has often been highly effective. Services should consider setting up such arrangements if relationships are not already in place.
- Identifying and mapping the range of practitioners and professionals available in the local area against training and support needs of staff in the service can be a useful starting point for thinking creatively about supporting staff's CPD.

Policy level

- National policy direction on establishing stronger links between services in the community and for those in the youth justice system is of vital importance. Guidance and best practice should be made available centrally to highlight the importance of this join up and support services to achieve it.

By becoming part of a network or joining a mailing list, practitioners are also provided with an opportunity to share information about what's happening in their service where this is useful.

Supporting information and best practice sharing

A key finding of the round table discussions was the current lack of shared knowledge within the youth justice sector about how different locations are identifying and supporting children and young people with SLCN, as well as the impact this has on their outcomes, progress and reoffending rates. This is an area which needs a co-ordinated approach, but can also begin at a more local level.

Recommendations:

Practitioner level

- Joining and participating in local and wider networks of practitioners and other organisations working in the youth justice and SEND/SLCN field is a useful and straightforward way to keep up to date with what's happening in other services. By becoming part of a network or joining a mailing list, practitioners are also provided with an opportunity to share information about what's happening in their service where this is useful.

Service level

- Neighbouring services can use existing links and networks to share information about how they are supporting/working towards supporting children and young people with SLCN. Where existing links do not lend themselves to this sort of practice sharing, it would be useful for services to consider setting up an arrangement that does this more effectively.
- Wherever best practice is identified in a service, it should be shared with national information sharing initiatives, such as the 'Youth Justice Board's [Effective Practice Library](#)' to encourage dissemination of best practice to support services that may be struggling with particular areas of support.

Policy level

- The Youth Justice Board has made a welcome commitment to explore ways to make the Effective Practice Library more widely available, as well as to look at how more people and services can input to this library.

Useful links and organisations

The organisations and groups listed here all have a focus or resources which can support those working with children and young people in the youth justice system to more effectively support their speech, language and communication needs.

We have also used this space to include hyperlinks to resources and organisations mentioned throughout the document for those accessing it as a printed version or using mobile devices.

- Communicourt www.communicourt.co.uk
- Elklan www.elklan.co.uk
 - Post 16 resources
www.elklantraining.worldsecuresystems.com/post-16s
 - Vulnerable young people resources
www.elklantraining.worldsecuresystems.com/vulnerable-young-people
- I CAN www.ican.org.uk
 - Secondary years resources
www.ican.org.uk/en/What-we-do/Secondary%20Years.aspx
 - Talk about Talk
www.ican.org.uk/What-we-do/Secondary%20Years/Talk%20About%20Talk.aspx
 - Raising your Game
www.ican.org.uk/What-we-do/Secondary%20Years/Raising%20Your%20Game.aspx
- Intermediaries for Justice www.intermediaries-for-justice.org
- Local Government Association www.local.gov.uk
- NHS England www.england.nhs.uk
- Royal College of Speech and Language Therapists www.rcslt.org
 - The Box Training Programme www.theboxtraining.com
 - Youth justice work
www.rcslt.org/governments/policy_and_campaigns
 - Speech & Language Difficulties APPG
www.rcslt.org/about/parliamentary_work/appg_sld
- The Advocate's Gateway www.theadvocatesgateway.org
- The Association of YOT Managers www.aym.org.uk
- The Communication Trust www.thecommunicationtrust.org.uk
 - The Communication Council
www.thecommunicationtrust.org.uk/policy-and-practice/the-communication-council
 - Progression Tools
www.thecommunicationtrust.org.uk/progressiontools
 - Response to SEN and disability: detained persons regulations and revised code consultation
www.thecommunicationtrust.org.uk/media/292250/response_from_the_communication_trust-send_and_detained_persons-final.doc

Useful links and organisations

Sentence Trouble

www.thecommunicationtrust.org.uk/resources/resources/resources-for-practitioners/sentence-trouble/

Speech, language and communication framework (SLCF)

www.thecommunicationtrust.org.uk/slcf

What Works

www.thecommunicationtrust.org.uk/whatworks



The Council for Disabled Children

www.councilfordisabledchildren.org.uk

Young offenders with special educational needs factsheet

www.councilfordisabledchildren.org.uk/media/749370/sendreforms_youngoffenders.pdf



The Youth Justice Board

www.gov.uk/youth-justice-board-for-england-and-wales

Effective Practice Library

www.justice.gov.uk/youth-justice/effective-practice-library

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- ⁵Clegg, J, Stackhouse J, Finch, K, Murphy, C, and Nicholls, S (2009) *Language abilities of secondary age pupils at risk of school exclusion: A Preliminary Report* Child Language Teaching and Therapy Vol 25 (1)
- ⁶http://www.ican.org.uk/~media/Ican2/Whats%20the%20Issue/Evidence/ICAN_TalkSeries10.ashx
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- ¹⁰Reed, VA (2005) *An Introduction to children with language disorders*, 3rd edition Allyn and Bacon/Pearson
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- ¹²Bryan K Freer J and Furlong C (2007) *Language and communication difficulties in juvenile offenders* International Journal of Language & Communication Disorders, Vol. 42, No. 5, Pages 505–520.
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- ¹⁴Murray, R. (2012) *Children and Young People in Custody 2011/12: An analysis of the experiences of 15–18-year-olds in prison*. London: HM Inspectorate of Prisons/Youth Justice Board.
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The Communication Trust is a coalition of 50 not-for-profit organisations.

Working together we enable everyone who works with children and young people in England to support their speech, language and communication.

Our work focuses on supporting children and young people who struggle to communicate because they have speech, language and communication needs (SLCN) as well as supporting all children and young people to communicate to the best of their ability.

We do this because our ability to communicate affects us in every aspect of our lives.

The Trust was founded in 2007 by children's charities Afasic and I CAN together with BT and the Council for Disabled Children.



www.thecommunicationtrust.org.uk

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