Incarcerated Young People, Education and Social Justice

Kitty te Riele · Tim Corcoran
Fiona MacDonald
Alison Baker · Julie White

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"This book provides fascinating insight into the significant and complex challenges of education provision for young people in custody. It is a timely contribution given the ongoing contention surrounding youth justice in Australia and globally that highlights how incarceration is further harming some of our most disadvantaged and vulnerable young people. Presenting interview data with students and staff at Parkville College in Victoria, the authors deploy a social justice analysis to consider how education in custody might be improved through adequate and contextualised resourcing, a greater appreciation of students' diverse backgrounds, identities and learning needs and increasing opportunities for student voice. A powerful and important resource for those working in this sector, this book provides a sense of hope in drawing out how education within detention can work in protective and rehabilitative ways."

—Professor Amanda Keddie, *Deakin University, Australia*

"Taking a rights-based approach, this book is an eye-opening, critical view of the intersection of youth incarceration and education. For those who make assumptions about education being a universal good, this book, which uses social justice as an analytical lens through participatory parity, provides for a ground-breaking and troubling look at youth incarceration in Australia."

—Professor André de Quadros, *Professor of Music, Center for Antiracist Research affiliate faculty, director, Prison Arts Project, Boston University*

"This book is a wake-up call to educational policy makers and practitioners to re-think the prevailing archaic ways of "educating" youth in custody. Drawing on Nancy Fraser's social justice participatory parity approach, and incorporating the voices of youth, the authors present new and refreshing answers for youth who have been marginalized, ghosted, and abandoned by current educational models."

—Professor Wanda Cassidy, PhD, *Professor and Director of the Centre for Education, Law and Society, Faculty of Education, Simon Fraser University, Canada*

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Julie White

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Kitty te Riele
Peter Underwood Centre
University of Tasmania
Hobart, TAS, Australia

Tim Corcoran
School of Education
Deakin University
Melbourne, VIC, Australia

Fiona MacDonald
ISILC
Victoria University
Melbourne, VIC, Australia

Alison Baker
ISILC & College of Arts and
Education
Victoria University
Melbourne, VIC, Australia

Julie White
ISILC
Victoria University
Melbourne, VIC, Australia

We dedicate this book to the young people and staff who shared with us their knowledge and stories. The insights they so generously offered will, we hope, support improvements in education in youth custodial settings around the world.

FOREWORD

In a media release on 25 May 2022, the Commons Education Select Committee, a parliamentary crossbenches body that scrutinises the work of the Department for Education, announced the report of its inquiry into the government's 'catch-up programme'. The catch-up programme mobilised a multi-pronged response to the interruption of schooling caused by the impact of the COVID-19 pandemic. Without detailing either the strategy or the results of the inquiry, it is worth noting the concern in this country, as is the case elsewhere, for the '*over 124,000 "ghost children" (who) have still not returned to school*' (UK Parliament, 2022). Chair of the Education Select Committee, Robert Halfon, MP, said: '*We cannot risk these children becoming an "Oliver Twist" generation, slipping through the cracks and lost to the system forever*'. Mr. Halfon and the committee members are right to register their concern for this conservative estimate of 'ghost children'. It would seem, however, children and young people remanded or sentenced into custody have long occupied the ghostlands of education.

Examining the links between schools, crime and delinquency, almost forty years ago the Melbourne-based American criminologist and co-author of the seminal text, *Schools and Delinquency* (Polk & Shafer, 1972), Ken Polk (1984), wrote of the way in which schools produced '*new marginal youth*'. Through segregative practices, the extension of economic dependence, the pervasive passivity of young people in education and the routine denial of basic rights (Polk, 1984:464–465), increasing numbers of students disengaged from officially sponsored participation in school

life. Almost four decades later, research chronicles the resilience of the 'non-random' nature of educational inequality (Teese, 2013; Tait, 2019; Lamb et al., 2020) and exclusion of vulnerable students (Slee, 2018; Mowatt, 2022). Polk had argued that most interventions to extinguish behaviour problems in school were individually based to manage the aberrant student and sustain institutional equilibrium. This approach, Polk (1984: 493) counsels, is flawed:

> The systematic and patterned character of the problems in contemporary secondary schools throughout the developed world, on the other hand, suggests that broader approaches of social changes that strike more directly at altering the way schooling itself is organised and carried out.

In its detailed analysis of education for incarcerated young people in Victorian youth justice settings, *Social Justice in Youth Justice: Participation in Education by Incarcerated Young People* responds to Polk's challenge. In their remarkable report on three major research projects in juvenile justice settings, Kitty te Riele, Tim Corcoran, Fiona Macdonald, Alison Baker and Julie White provide a unique journey into the structure and culture of these educational provisions, illuminating the overlapping barriers to educational transitions post incarceration. As they correctly observe, the field of education for this vulnerable assemblage of young people is insufficiently theorised, or scrutinised, to consider the barriers to forms of just participation that build productive transitions to life beyond incarceration. The authors creatively construct a social justice analysis by deploying the American philosopher Nancy Fraser's notion of *participatory parity*. In an interview in Barcelona in 2012, Fraser provides an insight into her conception of social justice:

> I believe justice is the master overarching virtue; it's not just one virtue among others, it is the one fundamental virtue. If you have a just social order, if you organise the basic structures of society in a just way, then and only then do you make it possible for people to develop other virtues like compassion, or courage, or patience.

For Fraser, the social structure is only just '*if it permits all social actors to interact with each other on terms of parity*'. Applying Fraser's analytic tools of *distribution, recognition* and *representation*, the researchers interrogate the complex matrix of relationships and interactions in schooling in

a custodial context to gauge the level of participatory parity between students in the research setting and those in the wider schooling system. Their work transforms justice from aspirational rhetoric to a set of analytic instruments for deeper consideration of the differential impacts of the relations of school protocols, practices and cultures; classroom organisation; the content of curriculum; and the structure of pedagogy. Importantly, the investigative lenses applied, the distribution, representation and recognition, firstly, serve to show the impacts of barriers to educational engagement and participation on a range of young people with different identities and, secondly, provide domains for the ameliorative interventions of educators, policymakers and justice workers to transform educational structures, cultures and relationships. Herein, though not mentioned explicitly in the text, the authors embrace the spirit of the iconic *Thesis Eleven*. *Thesis Eleven* was a part of Marx's critique of Ludwig Feuerbach and was originally published as an appendix to *Ludwig Feuerbach and the End of Classical German Philosophy* in 1888. *Thesis Eleven* reads:

> The philosophers have only interpreted the world, in various ways; the point is to change it. (Marx, 1969)

Not only is *Social Justice in Youth Justice: Participation in Education by Incarcerated Young People* an important report on research in the all too often overlooked field of education for incarcerated young people, it is a call to action. The analytic tools themselves provide the domains for systematic reform. More specifically, they provide familiar levers for educators to manipulate, including curriculum, pedagogy, school organisation, student teacher relations and teacher expectations.

Resisting reductionism, this research builds a nuanced account of the relational nature of education and the demand for contextualisation. The particularity of temporal, spatial and material barriers to accessing and participating in education is very carefully delineated. As the authors point out, the common sense is that schooling is always a good thing without thinking about how participation that leads to ongoing engagement with education might best be achieved. An interesting comparison in this regard is to consider the impact of schooling as it is now organised and practised on disabled students. Evidence gathered by the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with Disability (2020) and the preceding review of education for disabled students in Queensland's state schools (Deloitte Access Economics, 2017) observes

the damaging impacts of their experiences of participation in schooling in its present form. As the authors of this text remind us at every turn, it's not simply a matter of providing schooling, there must be careful consideration of the structures and cultures of schooling and of the nature and quality of students' experiences of participation within it. Accordingly, notions of distribution, recognition and representation are used to interrogate pedagogy, curriculum, teacher / justice worker expectations, time, space and the impact of material surroundings. Impacting policy to generate benefits requires this level of forensic investigation.

That researching vulnerable population cohorts and young people runs the risk of exploitation has been well documented (Smith, 2005; Oliver, 2007; Haydon, 2020). *Social Justice in Youth Justice: Participation in Education by Incarcerated Young People* presents an object lesson in the co-production of ethical research. The voices from the research projects breathe life into this book, making the experiences of the young people, the college teachers and leaders, and justice leaders visceral. By example, this text provides a powerful manual for future researchers and educators as they pursue the systemic reforms that are called for.

Centre for Disability Studies   Roger Slee
University of Leeds
Leeds, August 2020

References

Deloitte Access Economics. (2017). *Review of education for students with disability in Queensland state schools.* Department of Education and Training. http://education.qld.gov.au/schools/disability/docs/disability-review-report.pdf.

Haydon, D. (2020). Detained children: Vulnerability, violence and violation of rights. *International Journal for Crime, Justice and Social Democracy, 9*(4): 16–30. https://doi.org/10.5204/ijcjsd.1687

https://committees.parliament.uk/work/1667/the-governments-catchup-programme/news/171073/government-must-act-on-ghost-children-missing-from-education-system/

Lamb, S., Huo, S., Walstab, A., Wade, A., Maire, Q., Doecke, E., & Endekov, Z. (2020). *Educational opportunity in Australia 2020: Who succeeds and who misses out.* Centre for International Research on Education Systems, Victoria University, for the Mitchell Institute.

Marx, K. (1969) *Thesis on feuerbach.* Progress Publishers. https://www.marxists.org/archive/marx/works/1845/theses/theses.htm

Oliver, M. (2007). Changing the Social Relations of Research Production? *Disability, Handicap & Society, 7*(2), 101–114. https://doi.org/10.1080/02674649266780141

Polk, K. (1984). The new marginal youth, *Crime & Delinquency, 30*(3), 462–480.

Polk, K., & Shafer, W.E. (1972). *Schools & delinquency*. Prentice Hall.

Royal Commission into Violence, Abuse, Neglect and Exploitation of people with Disability. (2020). *Inclusive education in Queensland—Preliminary Inquiry*. Public Hearing Report. https://disability.royalcommission.gov.au/system/files/2020-10/Report%20-%20Public%20hearing%202%20-%20Inclusive%20education%20in%20Queensland%20-%20preliminary%20inquiry.pdf

Slee, R. (2018b). *Defining the scope of inclusive education*. Background paper for the 2020 Global Education Monitoring Report. UNESCO.

Smith, L. T. (2005). On tricky ground: Researching the native in the age of uncertainty. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 85–107). Sage.

Tait, G. (2019). *Making sense of mass education* (3rd ed.). Cambridge University Press.

Teese, R. (2013). *Academic success and social power: Examinations and inequality*. Scholarly Press.

UK Parliament. (2022, May 25). *Government must act on 'ghost children' missing from education system*. UK Parliament. https://committees.parliament.uk/work/1667/the-governments-catchup-programme/news/171073/government-must-act-on-ghost-children-missing-from-education-system/

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About the Authors

Kitty te Riele is professor at the University of Tasmania, Australia. Her research focuses on how education can support marginalised young people to improve their life chances. Her books (with colleagues) include *Education and Equity in Times of Crisis: Learning, Engagement and Support* (2023, Palgrave), *Reimagining Schooling for Education: Socially Just Alternatives* (2017, Palgrave) and *Ethics and Education Research* (2015, SAGE).

Tim Corcoran practised for a decade as a psychologist in two Queensland government departments (Education and Corrective Services). His research challenges ableism in local, national and international education policy and practice, creating theory-practice options supporting psychosocial ways of knowing/being. Tim is associate professor (Inclusive Education), School of Education, Deakin University, Melbourne, Australia.

Fiona MacDonald is principal research fellow at Victoria University, Australia. Her research sits within the sociology discipline, investigating social and cultural structures of influence for children and young people. She has published in areas of identity, belonging, racism, youth justice, social justice, inclusive education, disadvantage, cyberbullying, disasters and community resilience.

Alison Baker is an associate professor in Youth and Community Studies at Victoria University in Melbourne. Her research mobilises creative and participatory research methodologies, specifically visual and sound story-

telling modalities, to explore and develop young people's sense of social justice and activism.

Julie White holds an honorary professor appointment at Victoria University, Australia. Her research investigates education and exclusion, with her recent work about education inside youth justice. She has 70 publications to her credit and has supervised 15 PhD candidates to completion. She worked as a teacher for 20 years before working in universities.

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Education, Youth Justice and Social Justice

This book foregrounds the provision of education for young people who have been remanded or sentenced into custody. Both international conventions and national legislation and guidelines in many countries point to the right of children and young people to access education while they are incarcerated. Moreover, education is often seen as an important protective and 'rehabilitative' factor. However, the conditions associated with incarceration generate particular challenges for enabling participation in education.

Bridging the fields of education and youth justice, this book offers a social justice analysis through the lens of *participatory parity*. Developed by Nancy Fraser (1996, 1997, 2000, 2001, 2005, 2007, 2008, 2009) as part of her social justice framework, participatory parity requires social arrangements that permit all members of society to be able to participate in social life as peers. This requires action across three dimensions: distribution, recognition and representation. Using these dimensions as a scaffold, the book examines how these youth justice settings enable and/or constrain young people to participate in schooling on a par with their peers in schools 'outside the walls'.

The book brings together rare interviews with staff and young people in youth justice settings in Australia, secondary data from these sites, a suite of pertinent and frank reports, and international scholarship. Drawing on this rich set of material, the book demonstrates not only the challenges

but also the possibilities for education as a conduit for social justice in custodial youth justice.

This first chapter provides the foundation for the book, including the conceptual landscape for its arguments. Upfront, it is important to recognise international differences and similarities in the ways in which youth justice works in different countries. A useful resource is the edited book *Juvenile Justice: International Perspectives, Models and Trends* (Winterdyk, 2014b), which contains chapters from a diversity of countries in terms of geographic location and legal system. The introductory chapter by Winterdyk (2014a) provides a broad overview of differences between countries, and the other chapters offer detailed insights into specific countries. As a way of understanding differences among countries, Winterdyk (2014a) proposes six models of 'juvenile justice', ranging from least to most controlling, as evident in their purposes:

- Participatory: re-education
- Welfare: provision of treatment
- Corporatist: retraining
- Modified justice: sanctioning of behaviour and provision of treatment
- Justice: sanctioning of behaviour
- Crime control: Protection of society/retribution, and deterrence. (p. 6)

Although Winterdyk suggests Australia (the focus of the research projects in this book) fits under the welfare model, we would argue it currently more closely resembles the modified justice model. Indeed, tensions between the dual purposes of sanctioning behaviour and providing treatment are responsible for some of the key threats to a socially just approach to education for young people in custody in our study.

Differences also relate to the lower and upper age limits in youth justice systems around the world, from as low as 6 or 7 up to 20 or 21 (Winterdyk, 2014a). In relation to age, terminology also differs. The term 'children' can be appropriate due to the low minimum age of criminal responsibility in particular jurisdictions or in connection with the United Nations Convention on the Rights of the Child. On the other hand, the term 'young people' can be more respectful when the minimum age is higher. In our research, the ages of students in custody going to school ranged from 10–21. Moreover, we also incorporate reference to the Convention on the Rights of the Child. As a result, we use both 'children' and 'young

people' as terms to refer to the students in custody. Another common term is 'juveniles' especially used as part of 'juvenile justice' (e.g., Winterdyk, 2014b). This term can be perceived as having deficit connotations, and therefore we avoid it unless we are referring to or quoting from a particular source that does use this term.

Finally, before we continue, we clarify that this book is not an international comparative study. Not only are comparisons fraught with challenges (Goldson & Hughes, 2010; Winterdyk, 2014b), but they are also not especially useful for our purpose. Instead, we aim to examine how youth custodial settings can support equitable, socially just participation in education by incarcerated young people, based on our research in the state of Victoria in Australia.

The core of this chapter is organised around three sections to outline key conceptual approaches: rights-based perspectives, education as both a risk factor and a protective factor, and a social justice lens. The final section provides an overview of the research data and of the remaining chapters.

Rights-Based Perspectives

Considerations of education in youth justice commonly refer to children's rights. At a global level, in addition to the overarching Convention on the Rights of the Child (United Nations, 1990a), the United Nations has provided several key documents specific to youth justice:

- Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (United Nations, 1985)
- Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules) (United Nations, 1990c)
- Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (United Nations, 1990b)
- Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines) (United Nations, 1997)

Of particular relevance here are the Havana Rules, since (like this book) they focus on those young people who are held in custody. They are intended to 'establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms' and to 'serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile

justice system' (United Nations, 1990c, p. 1). The rules relate to a mix of governance and substantive aspects. Importantly for this book, the Havana Rules have a dedicated section in relation to education, vocational training and work. Key points include:

38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided […] by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes. […]

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment. (United Nations, 1990c, p. 5)

Although United Nations instruments apply to signatory nations across the globe, in practice, there is much variety in the 'ways in which nations have evolved control, intervention, prevention, and treatment strategies to handle young offenders' (Winterdyk, 2014a, p. 3).

The lack of progress to reduce social exclusion through rights-informed actions based on various United Nations declarations has led to a critique that they are more about rhetoric than about substantive change (Robeyns, 2006; Uvin, 2007). Nevertheless, United Nations instruments, and rights-based approaches generally, can be very helpful for drawing attention to issues of social justice in the provision of education for marginalised students in general—and students in youth custody in particular (Hollingsworth, 2013; Scraton & Haydon, 2002).

As Robeyns (2006) points out, in a rights-based approach, education is viewed as a fundamental right with intrinsic importance, not an optional luxury. Articles 28 and 29 of the Convention on the Rights of the Child (United Nations, 1990a) set out the right to education, including that it must be directed to the 'development of the child's personality, talents and mental and physical abilities to their fullest potential' (p. 9). Countries that have ratified the Convention (196 countries in total) can be held accountable by the United Nations for upholding these rights. For example, the report on Australia by the United Nations Committee on the

Rights of the Child (2019) noted that 'efforts made to close the gap for Aboriginal and Torres Strait Islander children remain insufficient' (p. 11) and urged the Australian government to

> invest more in improving education at the early childhood, primary and secondary levels, paying particular attention to children living in remote areas, Aboriginal and Torres Strait Islander children, children with disabilities, children in marginalized and disadvantaged situations, children in alternative care and children from refugee and migrant backgrounds. (pp. 11–12)

In relation to youth justice, Article 37 of the Convention on the Rights of the Child (United Nations, 1990a) requires countries to ensure that imprisonment of a child 'shall be used only as a measure of last resort and for the shortest appropriate period of time' (p. 10), and Article 40 points to the right of children in the youth justice system 'to be treated in a manner consistent with the promotion of the child's sense of dignity and worth […] and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society' (p. 11).

Both the United Nations Committee on the Rights of the Child (2019) and the Australian National Children's Commissioner (2016, 2019) have appealed to Australian governments to increase the minimum age of responsibility, to address the over-representation of First Nations children and children with disabilities in the justice system, and to reduce the high number of children in detention. Across states and territories in Australia, the minimum age of responsibility is 10[1] (the same as in England and Wales) compared to 12 in countries such as Canada, Brazil and the Netherlands; and 14 or 15 in countries including Russia, Germany, Italy and the Nordic countries (Based on consensus between Child Rights International Network, 2018 and Winterdyk, 2014a, table 1.2).

The National Children's Commissioner (2019) argued that

> Australia needs to do more to rehabilitate children, rather than use punitive approaches that have been shown to be less effective in reducing recidivism. Some laws and policies continue to run counter to the principle of detention as a "last resort", diversion is underutilised, a large percentage of children are detained on remand, and mandatory sentencing still applies to children in some places. Further, children as young as ten years of age can be placed in detention. […] Reforming the youth justice system to apply children's rights properly is particularly important for Aboriginal and Torres Strait

Islander children and those with disability who are overrepresented in our youth justice statistics. (p. 235)

The need to better look after First Nations children and young people to prevent their over-representation in the youth justice system, and especially in custody, has received particular attention in Australia (e.g., Amnesty International, 2015; Cerreto, 2019; White, 2015) and elsewhere (e.g., Corrado et al., 2014; Webb et al., 2022).

The 2016 National Children's Commissioner's report focused specifically on youth justice, including extensive consultation with children and young people detained in custody. After providing a workshop on children's rights, the following rights from the Convention on the Rights of the Child were identified as especially important by these children and young people:

> Right to have a say and to be heard (article 12)
> Right to freedom of speech (article 13)
> Right to education (articles 28, 29 and 31)
> Right to safety (article 19)
> Right to health (article 24)
> Right to be treated fairly (article 37)
> Right to have contact with family and friends (article 9)
> Right to make a complaint (articles 12 and 13)
> Right to healthy food (article 27)
> Right to respect (articles 37 and 40)
> Right to freedom of religion (articles 14 and 30).
> (National Children's Commissioner, 2016, p. 161)

An insistence on the rights of children can be a powerful antidote to what Muncie (2008) has called the 'punitive turn' in youth justice, which emphasises risk factors—that is, 'criminogenic influences that increase […] the likelihood of future offending' (Case & Bateman, 2020, p. 482). A promising approach is the 'children first, offenders second' (CFOS) model developed (although not yet fully adopted) in England and Wales, which explicitly 'challenges the punitive, risk-led, individualising, responsibilising and negative execution of prevention with children within and outside the YJS [youth justice system]' (Case & Haines, 2015, p. 231).

Education as Both a Risk Factor and a Protective Factor

Education has been considered both as a risk factor and a protective factor in relation to youth crime. In the twenty-first century, government approaches to risk factors for youth crime have become strongly individualised—placing responsibility on young people themselves as well as their families—and pathologised—categorising everyone who belongs to an 'over-represented' group (such as homeless young people, or First Nations youth) as high risk (Case & Haines, 2015; Case & Hazel, 2020; White, 2015). In contrast, a social ecology approach to youth justice 'situates the problem as one that demands attention at varying levels of social structures' (White, 2015, p. 64). In other words, the language of risk and protective factors is not in itself counterproductive, but it must be used in this more complex and social-ecological manner. While schools cannot compensate for society (as Bernstein famously titled a 1970 article), education is widely recognised as a key social structure in relation to youth justice. As Christle et al. (2005) put it,

> although public schools are not responsible for the host of social ills that threaten the healthy development of children, these institutions can exacerbate or ameliorate the vulnerability of children to these negative outcomes. Schools that provide positive structure, along with high-quality academic programs and consistent, schoolwide, proactive behavior programs may counteract the risks for delinquency that youth may be exposed to, especially the school-related risks of academic failure, suspension, and dropout. (pp. 86–87)

Risk

In terms of education as a risk factor, it is common for young people in youth justice to have had negative experiences of school, including poor relationships with teachers (e.g., Ashkar & Kenny, 2009; Paterson-Young et al., 2022). For children who are both in the out-of-home care system and the youth justice system (Baidawi & Sheehan, 2020; Bala et al., 2015), trauma is likely to have contributed to difficulties adjusting to the social and behavioural expectations of formal schooling (Blodgett & Lanigan, 2018; Jaycox et al., 2009), which, in turn, may lead to punitive school discipline. Young people in the youth justice system commonly have low

school attendance, have been excluded from school and, at times, have been out of education altogether for a prolonged period (Case & Hazel, 2020; Paterson-Young et al., 2019, 2022; Te Riele & Rosauer, 2015). Not being engaged in education, training or employment is considered a significant risk factor for offending (Stephenson et al., 2010). Case and Hazel (2020) explain that various reports point out that

> children in custody perform significantly worse (educationally) than their peers due to a toxic mix of educational deficits/risk factors (e.g. disengagement from educational processes), learning difficulties (often reframed as risk factors or "criminogenic needs"), offending behaviour and experience of juvenile justice systems—all of which constitute barriers to educational engagement and success. (p. 2)

The extensive literature on the school-to-prison pipeline (largely from North America) highlights the way schooling can itself be a risk factor for youth criminalisation (e.g., Christle et al., 2005; Kim et al., 2010; Mallett, 2016; Skiba et al., 2014). Paterson-Young et al. (2019) conclude that 'social exclusion and crime often have their roots in exclusion from school' (p. 87).

The key mechanism identified for the school-to-prison pipeline is the use of punitive, exclusionary school discipline measures (Christle et al., 2005; Kim et al., 2010; Mallett, 2016; Skiba et al., 2014). Importantly, this scholarship demonstrates that while such discipline measures have extensive negative consequences for students (and especially for already marginalised students), there is no evidence that they improve school or community safety (Kim et al., 2010; Mallett, 2016; Skiba et al., 2014). In fact, the reverse is the case.

Schools with increased levels of suspension and exclusion are characterised by decreased cohesion and satisfaction with school and increased student 'misbehaviour' and school dropout (Mallett, 2016). The wider community is less safe when harsh school discipline criminalises young people for relatively minor infractions and sends them into prison and a potential lifetime of criminal justice involvement. Novak (2019) found that 'rather than deterring delinquent and antisocial behavior in suspended youth, this study indicates suspension increases a youth's odds of later justice system involvement' (p. 1176). As Mallett (2016) argues,

most of the young people involved in these harsh discipline systems among the schools and juvenile courts need not be, for they are minimal safety risk concerns. In other words, most students pose little to no threat of harm to other students, their schools, or their communities. However, those students involved in the [school-to-prison] pipeline, and in particular those who are suspended or expelled from school or subsequently held in juvenile justice facilities, have complicated problems and poor long-term outcomes […]. For those students ultimately disciplined within the school-to-prison pipeline, it is a system that is difficult to escape. (p. 15)

The use of punitive discipline is associated especially with under-resourced and over-burdened schools (Kim et al., 2010; Mallett, 2016) and disproportionally affects disadvantaged and racial minority students, including African American, British 'black' and Australian First Nations students (Deuchar & Bhopal, 2017; Graham et al., 2022; Kim et al., 2010; Paterson-Young et al., 2019; Skiba et al., 2011, 2014). In other words, it further entrenches prior social exclusion and disadvantage.

Moreover, low levels of literacy have also been linked with the school-to-prison pipeline (Winn & Behizadeh, 2011). In Australia, Snow and Powell (2011) have demonstrated difficulties with oral literacy among young people in custody. Low literacy may lead students to display challenging behaviours in school, which can then result in suspensions and exclusions—and can also be worsened by suspensions and exclusions since these lead to loss of access to instructional time.

Protection

Education can also act as a protective factor. Quantitative studies in the United Kingdom and Italy have demonstrated that increased educational attainment, linked with an increase in the school-leaving age, can reduce crime (Brilli & Tonello, 2015; Machin et al., 2010). This may be in part simply due to keeping young people in school for longer, rather than letting them be 'on the street'.

There are also direct actions that schools can take to provide protective factors. Based on the analysis on risk factors above, an obvious strategy is to reduce the use of punitive school discipline measures. In their review of reforms in American school systems, Graham et al. (2022) point to evidence of the success of policies to limit or ban the use of suspensions: reduced loss of instructional time, improved academic outcomes, improved