Written evidence from Transition to Adulthood (T2A) Alliance (PPP0003)

The T2A Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice process. It is an alliance of 16 of the leading criminal justice, health and youth organisations: Addaction, Care Leavers’ Association, Black Training and Enterprise Group, Catch22, Centre for Crime and Justice Studies, Clinks, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, The Prince’s Trust, Prison Reform Trust, The Restorative Justice Council, Revolving Doors, Together for Mental Wellbeing, The Young foundation, and Young Minds. T2A is convened and funded by the Barrow Cadbury Trust.

T2A welcomed the Justice Committee’s 2016 report on Young Adult Offenders which found “overwhelming evidence” for a distinct approach to young adults throughout the criminal justice system. Young adults and young people in the transition to adulthood are the most likely age group to commit a criminal offence, but are also the most likely to desist from offending and ‘grow out of crime’. T2A’s research and practice evidence shows that the right interventions, which take account of developmental maturity, can facilitate desistance, while the wrong intervention can increase offending and extend the period that a young adult is engaged with criminal justice agencies.

The T2A Pathway provides a framework of ten points of the criminal justice process at which effective interventions for young adults can be delivered by statutory agencies and service providers. T2A has contributed to positive change in policy and practice at a central and local level, and its evidence has informed service redesign and delivery nationally and internationally. These include changes to recognise maturity in sentencing and CPS guidance and the development of a transitions framework for adult and youth justice services by the Youth Justice Board and HM Prison and Probation Service. T2A has informed the design and delivery of young adult-specific projects and approaches in police and crime commissioner and probation areas. T2A and its members have helped to initiate and provide substantive evidence for Parliamentary inquiries into the treatment and conditions of young adults in custody, including the Young Review, the Harris Review and the Justice Committee inquiry on young adults. T2A has produced specific research on young adults within the system, including those with brain injury, young women, Muslims and those suffering bereavement.

What is the current and projected make-up of the (sentenced and unsentenced) prison population in England and Wales up to 2022?

In contrast to the overall projected rise in the prison population, the number of young adults (aged 18-24) in custody is falling. The number of young adults aged 18-24 in prison or serving a community sentences has decreased by more than a third since 2011. Their proportion as a share of the total caseload has also dropped by nearly 10%. There was a 31% fall in number of young adults aged 18-24 in prison between 30 June 2011 and 30 June 2017. In 2011, 21,974 young adults aged 18-24 were in prison (26% of the total prison population), while in 2017 the number had reduced to 14,963 (17% of total). There has also been a 40% fall in the past in 5 years in the number of young adults aged 18-24 serving community sentences.

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While the fall in number of young adults in custody is welcome, as HM Inspectorate of Prisons has highlighted, “those who remained in custody were inevitably some of the most vulnerable and troubled young adults.”

Young adult men in custody are increasingly serving longer prison sentences, with a growing proportion not due to be released until well into their early-to-mid-adulthood. A disproportionate number of young adults in custody are BAME. Many have specific faith and cultural needs. A large number come from backgrounds of social and economic disadvantage. A significant proportion are care leavers. Many have undiagnosed or unmet mental health needs or learning disabilities or suffer impairments as a result of traumatic brain injury. The small number of young adult women in custody have distinct needs, particularly in relation to education and mental health.

The sentence of Detention in a Young Offender Institution (DYOI) is an important legislative safeguard for young adults (aged 18-20) sentenced to custody which was specifically designed to ensure that young adults were managed within a distinct prison regime compared to that for older adults. Over the last decade, however, this distinct approach has been eroded by a series of operational changes, including the re-roling of a number of sole designated young adult YOIs and adult prisons as “mixed” establishments. The result of this is that young adults in prison are held in a variety of establishments, only three of which are dedicated YOIs. Outcomes for young adults held in both mixed and dual designated establishments are poor, with particularly bad results recorded by inspectors for both safety and purposeful activity. For instance, the HM Inspectorate of Prisons annual report 2016-2017 found that time spent unlocked was particularly poor for young adults in prison. 30% said they spent less than two hours a day out of their cell, and only 7% were out of their cell for more than 10 hours a day. Despite the distinct needs of young adults, confirmed in the research literature and acknowledged in Ministry of Justice and HMPPS policy and practice guidance, inspectors found that “Most prisons made little distinction in the treatment of this age group”.

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10 Ibid.
What is the Ministry of Justice's existing strategy for managing safely and effectively the prison population?

As part of its overarching recommendation for a distinct strategy on young adults, the Justice Committee inquiry\(^\text{11}\) made a number of detailed recommendations to help ensure the safe and effective management of young adults in custody. It recommended that the DYOI should be extended to include all 18-25 year olds, in line with the evidence on maturity, and that various models of custody for young adults be piloted by the Ministry of Justice before any decision is made about long-term provision for this age group. It also recommended measures to reduce violence by increasing the ratio of staff to prisoners; the increased use of restorative justice and trauma-informed approaches; reforms to the IEP to encourage positive behaviour; and an expansion of provision to address neuro-disabilities, mental ill health, and learning and communication needs based on a systematic assessment of need.

While the government’s response\(^\text{12}\) to the inquiry did not match the ambition of the justice committee’s original report, we were nonetheless encouraged that the Ministry of Justice was moving in the right direction. T2A agreed with the government’s overarching view that young adults “must remain a priority group for criminal justice agencies – partly because of their prominence in terms of numbers, but also because we have an opportunity to steer them in a different direction, helping them to tackle the factors that increase the risk of offending so that they may have fulfilled lives and make a positive contribution to society”\(^\text{13}\).

The government did not accept the Committee’s central recommendation for the Ministry of Justice to produce a specific young adult strategy. However, a diverse portfolio of young adult specific work in custody was presented in the government’s response. These included a review of the DYOI sentence; an NPS review of what works best for young adults in custody and the community; a review of the IEP framework; a review of accredited programmes’ impact on violence and self-harm with a specific focus on age; the recruitment of more staff to improve staff/prisoner ratios; the implementation of a new maturity screening tool for use in prisons and the community; the roll out of brain injury screening pilots; a new offender employment strategy; and better identification and support for care leavers.

On Tuesday 7 November 2017, the Justice Committee held an oral evidence session to consider progress made by the government in taking forward its response to the committee’s inquiry.\(^\text{14}\) Witnesses were Dr Philip Lee MP, Parliamentary Undersecretary of State at the Ministry of Justice; Michael Spurr, Chief Executive Officer of HM Prison and Probation Service; and Clare Toogood, Director of Youth Justice Policy, Ministry of Justice. T2A was encouraged by the sentiments expressed by the witnesses about embedding considerations of maturity across the justice system. Unfortunately, however, we were otherwise alarmed by the apparent lack of progress made by the government in taking forward the proposals made in its response to the committee’s inquiry. Members of the committee asked straightforward follow up questions on the government’s response to the committee’s report. Yet neither the

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\(^{11}\) Justice Committee (2016) The treatment of young adults in the criminal justice system, London: House of Commons


\(^{13}\) Ibid.

Minister nor the officials seemed to have substantive answers on many of the points raised, and in some cases seemed to not know what the questions related to (eg review of the DYOI, NPS review of what works, progress on piloting the maturity assessment tool). The Minister also seemed unable to answer some questions, citing his limited remit for youth justice.

The response of the Minister and officials raise significant concerns regarding the priority being given by the government to young adults in custody, and its commitment to following through on its response to the committee’s inquiry. In relation to the remit of this current inquiry, it raises further concerns as to whether the government has a coherent strategy for the safe and effective management of young adults in custody, particularly given the poor outcomes for this age group in relation to safety and purposeful activity. The government is proceeding with plans to reform the prison estate along the lines of its white paper Prison Safety and Reform. However, it is not at all clear how the distinct needs of young adults will be accounted for as part of these plans. Of particular concern is the lack of any evident progress on the government’s promised review of the DYOI. It has still not published the results of its consultation on Transforming the Management of Young People in Custody which concluded in 2013.15

Therefore, we would urge the committee to request a detailed written response from the government outlining how it will account for the distinct needs of young adults in its plans for prison reform, and the progress it has made in implementing its response to the committee’s inquiry on young adults, including a timetable and milestones for completion. Priorities for a response include the scope, remit and timetable of the promised review of the DYOI; the outcome of the NPS review of what works for young adults; progress in the testing and roll out of the maturity assessment tool; the outcome of the brain injury screening pilots; and the timetable for the publication of the offenders’ employment strategy.

What are the implications of the likely rise in the population for the resources required to manage prisons safely and effectively?

In the context of a prison population that is rising overall, the decline in the number of young adults in custody, while welcome, increases the risk that the specific needs of this age group will be overlooked. This is particularly true in the context of limited resources and the absence of a coherent strategy for the management of this age group. At the establishment level, young adults are increasingly a small minority mixed in with adult prisoners and held in a large number of dual designated prisons. Inspection reports consistently show that the specific needs of young adults in both dual and sole designated establishments are overlooked. T2A shares the view expressed by the committee in its inquiry on young adults that

“The current conditions in the custodial estate meant that opportunities are being missed to seek to repair the harm that young adults are likely to have experienced in their lives with the risk of hard-wiring challenging behaviours as full brain development is achieved. Imprisonment within unsafe conditions and without purpose is likely to compound their involvement in the system and at worst contribute to violence and further self-inflicted deaths. It is well-evidenced in Lord Harris’s review that policies and practices to safeguard young adult prisoners are under-resourced and hence inoperable. The MoJ and NOMS should either act urgently to recruit and retain

more prison officers or the Government should seek to adjust the current sentencing framework to reduce the population to manageable levels by shifting to alternative community-based means effectively to promote public safety.”\(^\text{16}\)

November 2017

\(^{16}\) Justice Committee (2016) The treatment of young adults in the criminal justice system, London: House of Commons