



Transition to Adulthood Alliance (T2A) response to the Ministry of Justice consultation on Punishment and Reform: Effective Community Sentences

1. About the Transition to Adulthood (T2A) Alliance¹

The Transition to Adulthood (T2A) Alliance is a broad coalition of organisations and individuals which identifies and promotes more effective ways of working with young adults, aged 18 to 24 years-old, in the criminal justice system. Convened by the Barrow Cadbury Trust (BCT) its membership encompasses Addaction, Catch22, the Centre for Crime and Justice Studies, Clinks, the Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, the Prison Reform Trust, the Revolving Doors Agency, the Young Foundation, and YoungMinds.²

2. Executive summary

2.1 The Alliance welcomes the government's intention to expand the community sentencing options available to courts. Our submission is based on the evidence that the Alliance has collected since its inception and will highlight that:

- Young adults are over-represented in the criminal justice system
- Youth as a life stage is inadequately determined by the arbitrary notion of age but is more effectively determined by an individual's needs and maturity. By reforming approaches across the criminal justice system to reflect developing maturity and the transition to adulthood, a significant impact would be felt in reducing levels of reoffending, overall spend and, importantly, reducing the numbers of crime victims
- T2A would like to see, as an outcome of this review, the government recognise the young adult cohort as priority group within the criminal justice system, due to their potential for change and the economic, social and structural factors that specifically impact upon them
- Given young adult offenders' complex needs and developing maturity, T2A would like to see more options for community sentences to be made available for the court, including Intensive Orders/Intensive Community Punishment (ICP) tailored to the specific needs of young adults to achieve compliance and completion of sentence
- Pre-sentence reports should assess maturity and recommend an effective response when a lack of maturity is identified (not about discount but triggering a young adult approach)

¹ For more information on the T2A Alliance, see <http://www.t2a.org.uk/alliance>

² Although the work of the T2A Alliance reflects the views of its membership, this submission should not be seen to represent the policy positions of each individual member organisation.

- T2A would like to see the Ministry of Justice (MoJ) and NOMS develop a strategy and standards for the management of young adult offenders subject to community orders (linking this to Probation National Standards). And for the subsequent competition strategy and commissioning intentions paper to acknowledge the distinct needs of this cohort.

2. Why develop distinct community options for young adults?

*'These were not riots committed by children- but largely young adults' 5 Days in August*³

*'It does not take a great deal of homework to identify that age group as perhaps the next best group on which to focus the intensity of care that has been shown in the youth justice system. If we could get anywhere near that success in the 18 to 25 group, we would have a real chance of cutting reoffending, which is the real problem in our prison population and in general levels of crime'. Minister of State and Deputy Leader of the House of Lords Lord McNally*⁴

3.1 There is extensive evidence, both demographic and developmental, for recognising 'young adulthood' as a particular life stage. The 'age crime curve' in relation to desistance and research from neurology shows how levels of maturity continue to develop into the mid and late 20s, affecting cognitive functioning and emotional regulation.⁵

3.2 Young adults in contact with the criminal justice system – who, despite constituting less than ten per cent of the population, make up more than one-third of those commencing a community sentence, one-third of the probation service's caseload and almost one-third of those sentenced to prison each year – also have distinct needs. These needs are complex and multiple, and commonly include poverty, unemployment, educational failure, substance misuse, mental health problems and needs associated with young parenthood and victimisation. All these are experienced while many young adults are still in the process of physical and mental development.

3.3 This is exacerbated by the fact that many child-focused support services – such as care services, child and adolescent mental health services, children's services and youth offending services – fall away when young people reach the age of 18. These specific needs should be recognised across the criminal justice system, including in the design and delivery of education and training (T2A's response to the probation review deals with the issue of transitions and maturity in greater detail).

4. What works with this group?

4.1 For the past three years, T2A has piloted a new approach to working with young adults in three areas (Birmingham, West Mercia and London) of the country based on the principles and research findings outlined in the previous section. These pilots work alongside statutory agencies. They employ staff, with support from volunteers and peer mentors, to work intensively with the young adults who are on community sentences or who have just come

³ Riots Communities and Victims Panel (2011) *'5 days in August: An interim report into what happened on the 2011 summer riots'* (November 2011) Government: London

⁴ <http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/120611-0001.htm#1206116000455>

⁵ University of Birmingham (2010), *Literature review of maturity*. Barrow Cadbury Trust: London

out of custody. Many of the young adults that T2A work with would not ordinarily receive statutory support given their chronological age or length of sentence, and have signed up to T2A support on a voluntary basis. Further details of the pilots and their evaluation are included in the appendix to this response.

4.2 While reducing reoffending by service users is a core concern and prime objective of all three pilots, it is woven into the broader purpose of enabling young offenders to 'get on' in their lives and to navigate the transitions they have to make (from post-adolescence to maturity; from the youth justice system to the adult justice system; and from custody to resettlement). The services are therefore, in effect, welfare-based (based on the needs of the service user) and, as such, are considerably removed from standard risk-based, offender management practice in the adult criminal justice system.⁶

4.3 A summative evaluation by Catch22 published in 2012 found that, based on a random sample of 34 young adults from across the three T2A pilots tracked over a 6 month period:

- **only three were reconvicted of a new offence (all non-violent);**
- **only three breached the terms of their community order or licence;**
- **the number in employment trebled; and**
- **the number classified as NEET halved.⁷**

4.4 Evaluation⁸ has shown that this model of intervention is cost-effective in reducing re-offending, and if the model were to be rolled out would go a long way to help reduce reoffending over the long-term (see Appendix for more detail).

4.5 Promising results have also been seen in another young adult approach that has been adopted the Greater Manchester Probation Trust (GMPT). The GMPT runs an Intensive Community Sentence that is specifically targeted at young adult offenders aged between 18 and 25. The ICS Order involves an intensive curriculum of activities, offering rehabilitation, punishment and reparation through partnerships between GMPT, statutory, voluntary and private sector organisations. A mentor works alongside offender managers to encourage motivation and support compliance and a strong emphasis is given to working towards employment.

4.6 Since the programme started, reoffending rates have dropped with 80 per cent completing the order and over a quarter of unemployed offenders on IACs finding full-time work. GMPT has reallocated resources and obtained commitment from local partners and the National Offender Management Service to continue the programme beyond the pilot phase.⁹

5. Intensive Community Punishment (ICP)

5.1 We consider it sensible that ICPs would be considered most appropriate for those who are clearly on the threshold of custody, in particular those who otherwise receive short

⁶ Catch22 (2012) *Supporting Transitions: A summative evaluation of the T2A pilots*. Catch22: London

⁷ Ibid

⁸ Formative, cost-benefit and outcomes evaluations were carried out by Oxford University, Matrix Evidence and Catch 22 respectively. The outcomes evaluation is summarised in the appendix to this response and the full evaluation reports results are available on www.T2A.org.uk.

⁹ Ministry of Justice (2011) *Research summary 3/11: Evaluation of the IAC pilots*. London

custodial sentences. It is worth noting that this approach would impact largely on the young adults group due to the typical offending profile. The suitability of an ICP for an individual offender would depend on risk of harm to the public and the individual to themselves, as well as their needs and level of maturity. It could be applicable to a young adult cohort, providing that tailored support services are in place to enable an offender to comply and complete the sentence (as outlined above in the section *What works?*). **The experience of the T2A pilots has demonstrated that imposing additional requirements without the additional support needed to help a young person make sense of and understand their responsibilities and address the underlying causes of their offending and chaotic lifestyles, merely sets the offender up to fail.**

5.2 In making the case for maturity to be recognised throughout the totality of the criminal justice system and its practices as standard, T2A are not arguing for a discount for young adults nor are we attempting to explain away a young person's actions. Recognition of maturity is about being able to trigger a response from within the criminal justice system and from local authorities that support desistance and tackle the underlying causes of their offending behaviour.

6. Innovating community sentences

6.1 Speaking to sentencers and practitioners who work with courts, T2A has discovered they are often frustrated by the lack of young adult specific sentencing options available to them in their area. Currently, the Attendance Centre Requirement is the only young adult specific requirement available to the courts, and it is rarely utilised (only 20 centres currently operate across England and Wales--see T2A case study)¹⁰. **T2A would welcome a significant expansion of the use of this option, with the voluntary sector taking a lead on design and service delivery.** This is in line with our response to the Probation Consultation in which we argue the VCS sector brings a wealth of expertise of working with this challenging cohort. Attendance Centres can also act as a base for additional wrap-around work with individuals from one location and can link together multiple VCS interventions.

6.2 T2A would welcome a discussion with the Ministry of Justice about the development of 'Commissioner-approved' options for community sentences or some kind of quality mark to improve confidence amongst the public, commissioners and sentencers. This could be supported by the development of better models of evaluation that providers are able to present to Commissioners. Local hubs of best practice among voluntary sector would also minimise duplication and identify gaps.

6.3 Furthermore, we consider that Community Payback could be more effectively used to support young people to develop experience and skills that will be useful in gaining future employment rather than solely being seen as a punitive function. It is our view that it can both be an effective sanction and provide a stepping stone to meaningful employment. At a time when youth unemployment is a particularly pressing issue, this is an opportunity that must not be missed.

¹⁰ Transition to Adulthood Alliance (2012), *Pathways from Crime*. Barrow Cadbury Trust: London

7. Pre-sentence reports (PSR)

7.1 T2A would like to see those preparing pre-sentence reports equipped with skills and tools to be able to assess maturity and issues relating to emotional and social development when writing pre-sentence reports, alongside their assessments of risks and needs. The OASys assessment tool could be used to draw this out systematically). Probation should then clearly recommend and advocate to the court an effective response and, where appropriate, a robust community-based intervention. There should also be liaison with community-based projects *before* PSR is written and recommendations made in advance of sentencing to increase confidence in sentencers that intervention will be available and delivered (This should include sentencers visiting community services). This would enhance competition in the options available and enable sentencers to trigger the most appropriate response from within the criminal justice system and from local authority agencies that would support desistance and be based on need than just risk. It might also contribute to a more frequent use of requirements such as the attendance centre requirement, the mental health treatment requirement and the alcohol treatment requirement.

7.3 This approach has been demonstrated to work. In the Birmingham T2A pilot, key workers go into the courts to ensure that sentencers are kept informed about community options and alternatives to custody, particularly following breach of an order. The T2A experience has found that this can add value. .

7.4 Recent statistics published indicate that sentencers are very attuned to the specific needs of young adult offenders. Only a year after the introduction of 'age/lack of maturity where it affects the responsibility of the offender' as a mitigating factor, it was the most commonly used mitigation for many offences (being used in up to 43% of cases).¹¹ However, it is worth noting that when the assault guideline was published by the Sentencing Council the corresponding training material for sentencers gave no information on how assessments of lack of maturity should be made.¹⁶ Consequently criminal justice professionals often implicitly refer to issues relating to maturity (e.g. 'impulsive', 'childish'). T2A would like to see sentencers receive comprehensive training on understanding maturity and 'transitional' issues, and the impact of lack of maturity, as well as the alignment of sentencing terminology, to better inform their sentencing decisions and ensure consistency in the way the guidelines are used.¹²

7.5 Barrow Cadbury Trust has commissioned the University of Birmingham to develop an assessment tool for maturity and will be working the London Probation Trust to trial this tool. We would be happy to discuss and share the fruits of this work with the Ministry of Justice.

8. Fixed penalties

8.1 The Ministry of Justice should take note of the fact that the vast majority of young adults in the criminal justice system have very limited financial means and fines may therefore be difficult to pay, or may be paid to the detriment of other necessary payments, which can lead to debts building up. Fines must therefore be carefully set at an appropriate level, and paid off at a manageable rate.

¹¹ Sentencing Council (2012) *Crown Survey Results* <http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2011.htm>.

¹² Criminal Justice Alliance (2011) '*Sentencing young adults: Getting it right*'. Barrow Cadbury Trust: London

9. Restorative Justice

9.1 T2A would like to see greater use of restorative justice approaches amongst young adults. The evidence is strong, and support among victims is high, for restorative justice to play an important role in ensuring an effective approach for young adults. Restorative justice approaches can be introduced at multiple points in the criminal justice pathway to inform criminal justice decision-making following an offence, or act as a final response without the need to proceed with a more 'criminalising' sanction. While this is much more mainstream across youth justice, it could have huge impact on the young adult cohort.

9.2 Barrow Cadbury Trust has commissioned the Restorative Justice council to look at the effectiveness of restorative justice approaches amongst young adults. We look forward to sharing our response with the Ministry of Justice to inform their work on this subject.

<< Thames Valley Case Study >>

If you would like to discuss the contents of this submission further, please contact Sarah Thomas, Public Affairs Manager, on 020 7336 4818 or by emailing sarah.thomas@catch-22.org.uk

APPENDIX

The T2A Alliance was born from the Barrow Cadbury Trust's 'Commission on Young Adults in the Criminal Justice System', published in 2005, which recommended systemic change including the establishment of 'young adult teams' in each locality to directly address and support the points of transition faced by young people as they approach maturity and full adulthood.

Since it was established in 2008, T2A has produced more than 40 reports and, since 2009, three T2A pilots projects have tested the T2A approach described in this report in different locations and with different cohorts of young people: In West Mercia, Birmingham and London, delivered by Youth Support Services (YSS), Staffordshire and West Midlands Probation Trust, and the St Giles Trust respectively.

West Mercia T2A

Run by YSS, the project works in the community with young adult offenders with high needs. The project offers a flexible, community based, one-to-one support and mentoring service. YSS has established a multi-agency T2A steering group with senior management representation from across the criminal justice sector, and the T2A project encourages regular discourse between the West Mercia Probation Trust and the Youth Offending Team. Key workers are regular visitors at statutory agency team meetings and will often meet up to discuss T2A referrals. The project operates across the West Mercia region, in Worcestershire, Herefordshire, Shropshire and Telford local authority areas.

Birmingham T2A

Delivered by the Staffordshire and West Midlands Probation Trust, the project is aimed at young adults aged 17-24 identified as posing a medium risk of reoffending. The project enables interventions to be tailored to the maturity and needs of the individual young adult and offers mentoring, as well as specific help with accommodation, employment, relationships and substance misuse. The project manages the transfer process of all young people moving across from the Youth Offending Service to adult Probation services, and works in the courts to ensure that sentencers are kept informed about community options and alternatives to custody, particularly following breach of an order.

London T2A

Led by the St Giles Trust the project works with young adults in the community and in prison before and after their release. It provides intensive support to divert young adults away from offending and enables them to build a new life for themselves. Support offered includes help with housing, accessing training and employment, as well as emotional support with issues such as relationships, behaviour, self-esteem and self-perception. The service is delivered by trained key workers who are all ex-offenders, which ensures a level of trust and credibility. The London T2A project works alongside local police, youth offending teams and probation service, who make direct referrals.

Evaluation, impact and the economic case

The T2A pilots have been subject to three forms of evaluation. A formative evaluation by the University of Oxford's Centre for Criminology (published in 2011) identified promising early

results and highlighted the projects' success in engaging young adults in actions which will help them towards better lives.

A break-even analysis by Matrix Evidence found that, using the most conservative estimate, the pilots would have to reduce offending by only 28 per cent over two years to break even (i.e. 72 per cent of young people could reoffend and the pilots would still break even in terms of the amount saved to the public purse by having prevented reoffending by the remainder).

A summative evaluation by Catch22 published in 2012 found that, based on a random sample of 34 young adults from across the three T2A pilots tracked over a 6 month period:

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- Only three breached the terms of their community order or licence;
- The number in employment trebled; and
- The number classified as NEET halved.¹³

In a comparison with young adults who only received probation support, those from the T2A cohort had more positive outcomes. The reconviction rates are significantly lower than the national average, strongly indicating that the pilots are not only breaking even, but providing a significant cost-benefit.

¹³ Catch22 (2012) *Supporting Transitions: A summative evaluation of the T2A pilots*. Catch22: London