



Ministry of Justice consultation on Transforming Management of Young Adults

Response by the Transition to Adulthood Alliance

The Transition to Adulthood Alliance (T2A) is pleased to have the opportunity to respond to the Ministry of Justice's consultation on the management of young adults in custody. T2A is an Alliance of 13 leading voluntary sector organisations, which was established in 2008 and is convened by the Barrow Cadbury Trust. Its members are:

Addaction
Black Training and Enterprise Group
Catch22
Centre for Crime and Justice Studies
Clinks
Criminal Justice Alliance
Nacro
Prison Reform Trust
Revolving Doors Agency
The Howard League for Penal Reform
The Prince's Trust
The Young Foundation
Young Minds

Alongside six demonstration projects, T2A has produced more than 40 reports since its inception in 2008, all focussed on effective approach to young adults throughout the criminal justice process. This body of evidence, as well as the views from many T2A members, forms the basis of this response. T2A also refers the Ministry of Justice to its October 2013 publication 'Young Adults in Custody: The Way Forward', which sets out T2A's position in more detail.

Young adults are a distinct group

The research that T2A has conducted to date and the evidence acquired definitively shows that the most effective approaches for working with young adults in the criminal justice system are those that take account of this age group's variable developmental maturity and provide age-appropriate responses to their needs.

The evidence makes clear that the transition to adulthood is a process, not an event, and young adults take a variable amount of time to develop their maturity. The evidence from neurology clearly states that the adult male brain does not reach full developmental maturity until at least the mid-20s. This is particularly relevant for criminal justice services, as the most latterly developed functions in the brain (such as 'temperance') relate to factors such as impulse-control and forward planning, particularly in unexpected or pressurised situations.

T2A welcomes the Ministry of Justice's recognition in its consultation of the importance of the transition between youth and adult justice services, and the acknowledgement that young adults have variable levels of developmental maturity. However, this consultation appears to undermine this through a proposed abolition of a distinct approach, rather than using the growing evidence base to ensure effective, maturity-informed and age-specific treatment of young adults in custody.

Recent developments in criminal justice policy and practice that recognise the distinct needs of young adults

In the last two years, criminal justice agencies have readily taken this evidence into account:

- The Sentencing Council for England and Wales now includes, since 2011, 'lack of maturity' as a mitigating factor in the sentencing of adults. This was the most cited factor by the judiciary in sentencing decisions for young adults in 2012;
- The Crown Prosecution Service's 2013 Code of Conduct includes, for the first time, 'maturity' as a factor for consideration in culpability decisions on whether to charge a young adult within its public interest test;
- More than 11,000 copies of T2A's 2013 'practice guide on taking account of maturity' for probation practitioners have been requested by probation trusts, and are being used across England and Wales to inform pre-sentence reports and young adult appropriate sentence plans;
- More than a dozen probation trusts, including the four biggest (Greater Manchester, Wales, London and Staffordshire and West Midlands), have recently commissioned Trust-wide services that are specific to young adults, recognising that doing so ensures their services are more effective and cost-efficient;
- The Youth Justice Board is rolling out its 'Youth to Adult Transitions Framework' across England and Wales, to ensure more effective transitions between youth offending teams and adult probation services; and
- Many Police and Crime Commissioners have specifically commissioned young adult services in their areas to address the particular needs of this age group.

These developments have been driven by practitioners, and have taken place despite the lack of a central Ministry of Justice strategy for young adults, and without new primary legislation focussed on this age group. Rather, they have occurred because the evidence for doing so is now so strong, and because budget pressures demand smarter ways of working effectively.

Young adults in custody: The current provision

In relation to custody, T2A welcomes the good work being delivered in many Young Offender Institutions (YOIs), and is aware that many young adults receive good support from prison staff and voluntary sector organisations delivering a wide range of programmes and interventions tailored to their needs.

However, T2A is concerned that staffing levels in YOIs have dropped substantially in recent years, which we believe has contributed to the rising level of violence in some institutions. T2A is greatly alarmed by the numbers of young adults who have died in custody, 40 since the start of 2011, three quarters of whom were in non-YOI provision at the time of their death, while a quarter were on remand awaiting sentence. The lack of distinct provision for young adults in the women's prison estate should also be urgently addressed.

To address these issues, far more attention should be given to supporting staff in YOIs and resources should be redirected from the savings made from reduced numbers in the juvenile estate to ensure that a targeted and distinct approach is provided to young adults in custody. This would help to fulfil the original vision for YOIs, rather than to maintain the current mission drift that has led to more than 50 institutions becoming dual designated HMP/YOI institutions.

The evidence for effectiveness of a well-resourced, distinct approach for young adults in custody is very strong, and examples of best practice can be found in Europe (see T2A 2013, 'Young Adults in Custody: The Way Forward'). At the same time, all the available evidence for treating young adults the same as older adults clearly indicates that this leads to poor outcomes.

We are also concerned that the Ministry of Justice is making proposals in the absence of decisions about the secure estate for under 18's about which a consultation process was undertaken in the first half of 2013, or the review of custodial violence that is due to report early next year.

The Ministry of Justice proposal and T2A's response

In the consultation, the Ministry of Justice states at question 1: **"We are proposing that our new policy accommodates young adults in mixed institutions with other adults and that we target resources on addressing the risks and needs of young adults in all these institutions"**, and asks, **"Do you agree?"**

The consultation notes that rationale for doing so is that mixing young adults into the general prison population might improve outcomes, such as reoffending, and enable young adults to be included in the plans for resettlement prisons. However, this seems to be premised largely on inconsistent and anecdotal evidence that mixing sometimes helps to reduce violence, and an assumption that closeness to home improves resettlement, which is not supported by robust evidence. In addition, there is no detail or evidence put forward as to how the Ministry of Justice's proposed alternative approach of mixing young adults within the general prison estate would better serve this age group, nor how the age-specific needs of this group would be met.

T2A is concerned that the Ministry of Justice's proposals are not based on evidence or experience from demonstration of good practice. Rather, the needs of young adults and the available evidence seem to be secondary to the Ministry of Justice's urgency to deliver these proposed changes in order to align the young adult population with the procurement process for contracts for resettlement services early next year, as part of the Ministry of Justice's transforming rehabilitation programme.

Such a sudden and wholesale move away from distinct provision for this age group, with no proposed statutory or other safeguards, is a high-stakes gamble that requires considerably more scrutiny and risk-assessment for the sake of the young adults involved, prison staff, delivery organisations and society at large.

In October 2013, T2A published a report entitled 'Young Adults in Custody: The Way Forward', which proposed ten evidence-based recommendations for change in the management of 18-24 year olds in custody. These include recommendations that:

- A body in central government should be established to drive forward reforms, along the lines of the way the YJB has led change in respect of young people under 18;

- A prison service order should be drawn up emphasising the distinctive needs of this age group alongside the development of age appropriate systems of discipline and restraint, incentives and privileges, and accredited programmes. This should draw on the existing PSI for juveniles;
- Research should be undertaken on the best ways of preventing and tackling violence without diminishing regime activities;
- Sufficient staff should be available to ensure that young adults in custody can safely participate in a full day of education, training and work;
- A training course should be developed for those working with young adults in custody, emphasising that staff should take into account the characteristics of young people's behaviour and stage of development through appropriate role modelling, promoting and maintaining positive behaviour, and clearly defining behavioural boundaries; and
- A wider range of residential placements should be developed for young adults in conflict with the law, both inside and outside the prison system

T2A is firmly convinced by the growing evidence base of what works with the young adult group, which strongly endorses a distinct approach for 18-24 year olds throughout the criminal justice process, from point of arrest, to charge, to sentencing, to prison and resettlement. The 10-stage 'T2A Pathway' outlines how this might work in practice, grounded in evidence from research and demonstration.

Conclusion

T2A firmly disagrees with the Ministry of Justice's proposal to remove the distinct sentence and provision of Detention in a Young Offender Institution (DYOI) and to mix young adults within the general prison population.

The government has said is committed to evidence-based policy, but in this consultation does not provide the necessary detail on the evidence, costs, risks and benefits of its proposed alternative approach. We strongly advocate that the government consults again when it is able to provide detail of what the proposed changes will mean in practice and how it proposes to ensure that the necessary safeguards for this age group are put in place – via new legislation, prison service instructions, and staff training.

In addition, T2A believes it is now time for the Ministry of Justice to develop and to consult on a comprehensive set of policies for dealing appropriately and effectively with young adults throughout the criminal justice system. It is only within the context of such policies that sensible and sustainable plans for the use and implementation of custodial sentences can be made.