

## Questions for children's young offender institution (YOI) *Expectations* consultation

### Part 1. About you

Name: Mark Day

Email address: mark.day@prisonreformtrust.org.uk

Are you answering on behalf of an organisation? Yes

If yes, what is the name of your organisation?

The Transition to Adulthood (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 has contributed to positive change in policy and practice and at a central and local level, and its evidence has informed service redesign and delivery nationally and internationally. These include welcome 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 Prisons and Probation Service. T2A's work has helped to promote the development of young adult-specific projects and approaches in a growing number of devolved 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's inquiry on young adults.

Which of the following best describes your role?

- I work on criminal justice policy

We welcome the opportunity to respond to the children's young offender institution (YOI) *Expectations* consultation. Our submission focuses on Part 3 of the consultation and makes detailed recommendations in relation to expectation 79

### Part 3. Specific areas of *Expectations*

Please comment on specific areas of the consultation document using the paragraph numbers from the *Expectations* consultation document as references. You may respond below or in a separate Word document.

We welcome the decision of the Inspectorate to create a new and separate expectation 79 specifically on transfer between the youth and adult estate. This is an improvement on the previous expectations where transitions were covered under expectation 6 on indeterminate sentenced young people. In 2016, more than 50% of 18 year olds in youth custody were transferred to the adult estate, and the highest proportion of people aged 18 were transferred from YOT to adult probation supervision.<sup>1</sup> Following HM Inspectorate of Prison's first inspection

---

<sup>1</sup> <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/transitions-followup/>

of transition arrangements in 2012,<sup>2</sup> we welcomed the development by the YJB and the National Offender Management Service (now HM Prison and Probation Service) of a joint Youth to Adult Transitions Framework to manage the transfer process. However, the inspectorate's follow up inspection of transition arrangements in 2016 found that, despite the introduction of the new framework, there had not been sufficient improvement in the quality of work undertaken during the transfer of cases from youth to adult services.<sup>3</sup> It found that transitions were not always well organised, well recorded or smooth. However, it did identify specific examples of effective practice which, if followed by all staff, would ensure a smoother transition for these young people.

It is particularly important therefore that the revised expectations specify effective arrangements to manage the transfer of young people from the youth to the adult estate. Expectation 79 as it is currently drafted goes some way to identifying the necessary elements of an effective transfer process. It states:

### **79. Children transferring to the adult estate are fully supported in this move.**

The following indicators describe evidence that may show this expectation being met, but do not exclude other ways of achieving it.

- *All children transferring are given sufficient notice of their transfer, including information about the establishment to which they are being transferred.*
- *Children transferring to the adult estate have an individual transition plan, which considers their needs and aspirations, including mitigating disruption to education or training, and establishes links between children and staff at the establishment they are to be transferred to. Children and their families are involved in transition planning.*

Cross reference with: safeguarding of children, training planning and remand management; residential services.

### **References**

EPR 6, 30.1, 51, 103, 107; ERJO 73(e); JDL 24, 25, 27; SMR 35(1), 69

However, in some crucial respects the expectation is incomplete, and misses out key aspects of what ought to be in place in youth establishments to enable them to safely manage the transfer of young people into adult establishments. In particular,

- the expectation as it is currently drafted makes no mention of the need for the early identification of children who are likely to be transferred, so that any potential disruption to the young person can be minimised; for instance by specifying that sentence plans need to take account of future transfer to adult services where appropriate.
- the expectation fails to specify the basis on which decisions to transfer ought to be made. Staff have discretion to retain young adults in youth-based services and it may be appropriate in some circumstances to keep a young adult in youth custody despite being over 18. Therefore, decisions to transfer need to be properly recorded and take into account the views of the young person and their families, the aims of the sentence, risk of reoffending and harm to others, and any particular vulnerabilities.
- It is particularly important that transition plans take account of the needs and circumstances of individuals with protected characteristics under equalities legislation, including women and people from BAME backgrounds. For instance, the small number of girls in youth custody are either held in secure children's homes or secure training centres, with none held in young offenders institutions. In addition, there are fewer female custodial establishments than male, meaning that women are often held much further away from their families and local communities. For young women, this can make the transition from youth into adult detention particularly abrupt, and so special attention

<sup>2</sup> <https://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/ciji-transitions-thematic.pdf>

<sup>3</sup> <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/transitions-followup/>

needs to be given in transition planning to any potential vulnerabilities and the views of the young person and their families. Young people from BAME backgrounds may also face challenges in transitioning from youth to adult establishments. Careful attention needs to be given in transition planning to ensuring that provision is culturally sensitive, for instance, by taking account of links with family and local communities and any particular faith needs.

The inspectorate's original 2012 inspection of transition arrangements contained detailed recommendations to youth justice services, including custodial establishments, on how to manage the transfer process.<sup>4</sup> These were reiterated in its 2016 follow-up inspection.<sup>5</sup> The inspectorate "recommended that Youth Offending Team Management Boards, Probation Trusts and custodial establishments, in conjunction with education, training and employment, health and other providers of interventions, should ensure that:

- the effectiveness of local arrangements for the transfer of young people from youth based to adult based services, and retention of young adults in youth-based services, is monitored and kept under review
- sentence plans in Youth Offending Teams and the young person's secure estate take account of future transfer to adult services where appropriate, and plans in Probation Trusts and the adult custodial estate take account of information from youth based services, to ensure that outstanding interventions are implemented
- decisions to transfer young people to adult services or to retain young adults in youth based services are recorded in the case record and take into account the views of young people and what work needs to be undertaken to meet the aims of the sentence, to address likelihood of reoffending and risk of harm to others, and to manage vulnerability
- young people are thoroughly prepared for transfer to adult services
- notifications of transfer, and all essential advance information, are sent to Probation Trusts and adult establishments in sufficient time to ensure continuity of delivery of interventions
- all intervention providers (including health and education, training and employment providers) are informed of transfers to Probation Trusts and adult establishments in advance and involved appropriately in case transfer meetings to ensure continuity of delivery
- parents/carers are involved, where appropriate, in discussions about transfer and in case transfer meetings where it is likely to aid the young person's progress and engagement
- staff in youth based and adult based services receive sufficient information and training about the work of each other's services to enable them to prepare young people for transfer to adult services and to work effectively with transferred cases."

We recommend that expectation 79 is revised along the lines of these recommendations, with particular attention to filling the gaps in the existing expectation identified above. We are further concerned by the permissive language used in the draft regarding the indicators, which according to the current draft "may show this expectation being met, but do not exclude other ways of achieving it." We do not see how an effective transfer process can be ensured in the absence of young people being given sufficient notice of the transfer or an effective individual transition plan. It should be the role of the inspectorate to specify necessary minimum standards. Therefore, we recommend that this sentence is amended to state: "The following indicators describe ways in which this expectation should be met, but do not exclude other ways of achieving it."

---

<sup>4</sup> <https://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/ciji-transitions-thematic.pdf>

<sup>5</sup> <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/transitions-followup/>