

Transition to Adulthood (T2A) Alliance submission to the HM Inspectorate of Prisons consultation on the draft expectations

The Transition to Adulthood (T2A) Alliance welcomes the opportunity to respond to HM Inspectorate of Prisons consultation on its draft expectations. The T2A programme produces and promotes evidence for effective ways of working with young adults who commit crime. T2A's principal aim is that the young adults (who T2A define as those aged 18-25) are subject to a distinct approach at all stages of the criminal justice system, including custody. T2A's evidence base is founded on three main bodies of research: Criminology, Neurology and Psychology. All three fields strongly support the T2A view that young adults are a distinct group with needs that are different both from children under 18 and adults older than 25, underpinned by the unique developmental maturation process that takes place in this age group.

T2A's strategy and work is steered by the T2A Alliance, a coalition of 14 leading justice youth and health organisations, chaired by Joyce Moseley OBE and convened by the Barrow Cadbury Trust. Since its establishment in 2008, T2A has contributed to significant change in policy and practice locally, nationally and internationally. T2A has produced more than 40 reports and undertaken 12 projects across England demonstrating effective interventions for young adults. The framework for T2A's work is the "T2A Pathway", which identifies 10 points in the criminal justice system where a distinct approach to young adults can be delivered, from point of arrest and including prosecution, sentencing, probation and custody.

We welcome the inclusion in the draft expectation of the new paragraph 46. In many respects, it represents an improvement on the previous expectations with the addition of some important new indicators. However, we have significant concerns about the way the new expectations are framed, particularly the use of permissive language ("in better prisons we usually find that") which derogates from the inspectorate's vital role as a body which inspects against recognised human rights standards. Below we provide detailed comments on paragraph 46 with proposed revisions which we hope will assist the inspectorate in monitoring treatment and conditions for young adults in custody. Proposed additions are indicated in **bold italic underline** and proposed deletions are indicated by a *line-through text*. If helpful, T2A would be pleased to meet with the inspectorate to discuss our response and the specific needs of young adults in custody.

46. *The specific needs of young adults **aged 18-25** are met.*

Explanation: Explicit recognition in the expectations that young adults aged 18-25 are a distinct group with specific needs would make them consistent with the evidence base and prison policy and practice, which is increasingly moving away from the statutory definition of young adults as aged 18-20. A wide and robust body of evidence concludes that young adults aged 18-25 are distinct from older adults in terms of both their needs and their outcomes compared to older offenders. This evidence is recognised in recent guidance and policy documents produced by the Ministry of Justice. For instance, NOMS has published evidence-based guidance for

commissioners and providers of reform and rehabilitation services in *Achieving Better Outcomes for Young Adult Men*¹ – which is based on research into psycho-social maturity and recognises that maturation is a process which continues into the mid-20s. Furthermore, the Ministry of Justice’s response to the Justice Committee’s inquiry on young adults states: “It is widely accepted as a principle by those working in the criminal justice system that young adults (and especially men) will continue to mature into their mid-twenties, in line with the considerable scientific evidence gathered and presented by the Committee. Though now better articulated, this principle already informs operational practice. National Offender Management Service (NOMS) and MoJ publications will continue to highlight the relevance of maturity throughout young adults’ journeys through the criminal justice system, drawing on existing work, the research carried out externally by bodies such as Transition to Adulthood Alliance (T2A) and through wider relevant search findings as they become available.”²

*In the better prisons we usually find that **It is essential that:***

Explanation: We are concerned by the inclusion of permissive language (“in better prisons we usually find that”) which gives individual prisons room to derogate from minimum standards that ought to apply to all individuals held in custody. Depriving someone of their liberty creates risks that their rights might be violated. A criminal justice system which is humane, fair and accountable requires standards that define dignity and protect the rights of detainees. Therefore, it is vital that the inspectorate continues to assess outcomes for prisoners according to clear standards based on human rights principles. It should not confuse its role with that of a regulator involved in the performance management of establishments. This would undermine its vital monitoring role as part of the National Preventative Mechanism (NPM), which provides a model for the implementation of international standards in prisons, such as the new UN Standard Minimum Rules for the Treatment of Prisoners (SMR).

With regard to the specific indicators referred to in paragraph 46, it is hard to identify any which could be discounted without jeopardizing the humane, safe and decent treatment of young adults in custody according to their distinct needs. In particular, the expectation that “Young adults arriving from the children and young people’s estate are carefully prepared for transfer into the adult estate, are identified systematically on arrival and are actively supported” cannot be regarded as an optional extra pertaining only to “better” prisons. Evidence shows that, without robust and effective measures to manage the transition of young adults into the adult estate, the safety and wellbeing of those young people can be put at significant risk. The process for managing transitions is set out in joint protocol published by the Youth Justice Board and NOMS and should be adhered to by all establishments in which children and young adults are held. Furthermore, the expectation that “Staff are aware of the needs and entitlements of young adults who have been looked after children, and these are met” pertains to entitlements afforded to care leavers in statute. Therefore, these are requirements which, according to the law, *all* prisons

¹ <https://www.gov.uk/government/publications/achieving-better-outcomes-for-young-adult-men-evidence-based-commissioning-principles>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584410/treatment-of-young-adults-govt-response.pdf

ought to be providing to the young people in their care, not just to those in “better” prisons.

*Local policies and practices ~~draw attention to~~ **reflect** the distinct needs of young adults.*

Explanation: With expected government reforms to grant greater autonomy to prison governors over the commissioning and delivery of services and deciding on prison policies and rules, the role of the inspectorate in ensuring prisons meet minimum standards for all of the people in their care is all the more vital. Autonomy cannot become a get out clause for prisons if they fail to meet basic requirements. This is particularly important for the young adult population, who at the establishment level are increasingly a small minority mixed in with adult prisoners and held in a large number of dual designated prisons. HMIP reports consistently show that young adults in dual designated establishment are liable to have their specific needs overlooked. In view of this, we are concerned that this expectation only requires that local policies and practices “draw attention to” the distinct needs of young adults. If policies and practices are to achieve the best outcomes for this age group, then they must also reflect the evidence base in how they are constituted and implemented. NOMS has produced guidance on *Achieving Better Outcomes for Young Adult Men*³ which local commissioners and providers should be encouraged to follow. Therefore, we recommend amending this expectation in order to strengthen the oversight of the inspectorate in overseeing local policy and practice and their impact on the young adult population.

Staff are aware of the distinct needs of young adults and respond appropriately to individual levels of maturity.

Explanation: We welcome the inclusion of this indicator.

*Where appropriate, young adults have an individual care plan to help identify and meet their specific needs, **which is kept up to date and reviewed regularly.***

Explanation: The requirement that care plans should be kept up to date and reviewed regularly was included in the previous version of the expectations and it is unclear why it has been removed. It is vital that any care plan is kept up to date and regularly reviewed, all the more so given that young adults on average are now serving longer sentences. Therefore, we recommend that this requirement is reinstated in the new version of the expectations.

Young adults arriving from the children and young people’s estate are carefully prepared for transfer into the adult estate, are identified systematically on arrival and are actively supported.

³ <https://www.gov.uk/government/publications/achieving-better-outcomes-for-young-adult-men-evidence-based-commissioning-principles>

Explanation: As highlighted above, we are concerned that this expectation in particular should not be seen as an optional extra pertaining only to better prisons. It is essential that all establishments responsible for young adults in transition between the children's and young adult estates have effective protocol in place to manage the transfer process.

Behaviour management processes are applied proportionately to young adults.

Explanation: We welcome the addition of this expectation, particularly given the disproportionate number of young adults subject to use of force.

Young adults are regularly consulted about the range of age-appropriate activities offered.

Explanation: We welcome the addition of this expectation, but to avoid it becoming a tick box exercise, and to help ensure consultation is meaningful and systematic, the expectation should specify that young adults are to be consulted regularly.

Staff are aware of the needs and entitlements of young adults who have been looked after children, and these are met.

Explanation: We welcome the addition of this expectation, which acknowledges the large number of young adults in custody who have been looked after children and therefore have specific needs and entitlements recognised in law. As highlighted above, we are concerned that this expectation in particular should not be seen as an optional extra pertaining only to better prisons. The entitlements of care leavers to receive advice and support from local authorities are legally enforceable requirements. Therefore, they should not be presented in the expectations as requirements from which individual prisons can potentially derogate.

Resettlement support reflects the specific needs of young adults.

Explanation: We welcome the addition of this expectation, which acknowledges that young adults have distinct needs in relation to their resettlement, particularly relating to housing, employment and education. These distinct needs are now recognised in NOMS official guidance.⁴

⁴ See Achieving Better Outcomes for Young Adult Men
<https://www.gov.uk/government/publications/achieving-better-outcomes-for-young-adult-men-evidence-based-commissioning-principles>