



## **Transition to Adulthood Alliance response to 'Breaking the Cycle: Effective punishment, rehabilitation and sentencing of offenders'**

### **Summary**

The Transition to Adulthood (T2A) Alliance welcomes the direction of travel set out in 'Breaking the Cycle' and supports many of its proposals. However, it is disappointing that more attention is not given to developing a tailored approach to working with young adult offenders that takes into account their levels of maturity and the economic, social and structural factors that specifically impact upon them.

In particular, it is concerning that the Green Paper does not address two issues that the T2A Alliance views as very significant, the role of maturity in the criminal justice system and the transition from the youth justice system to the adult criminal justice system. Examining how the issue of maturity can best be incorporated into criminal justice decision-making should be a priority for the future development of the justice system. The current arbitrary cut-off at the age of eighteen between the youth and the adult systems is not supported by the evidence and significant reform is necessary. The Ministry of Justice must close the gap between the youth and the adult justice systems by introducing flexibility and better managing the transition between them.

Addressing these issues would reduce reoffending and make a real difference to young adults in the criminal justice system, helping to make sentencing more effective and making a significant contribution to delivering the Government's rehabilitation revolution.

### **About the Transition to Adulthood Alliance<sup>1</sup>**

The T2A Alliance is a broad coalition of organisations and individuals which identifies and promotes more effective ways of working with young adults, aged 18-24, in the criminal justice system. Convened by the Barrow Cadbury Trust, its membership encompasses leading criminal justice, health and youth organisations 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, Young People in Focus and YoungMinds.<sup>2</sup>

Building on the work of the Barrow Cadbury Commission on Young Adults and the Criminal Justice System,<sup>3</sup> the T2A Alliance has developed a series of policy proposals that would create a more effective criminal justice system for the young adult age-group. In order to make our recommendations robust and achievable, our initial programme of work

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

<sup>2</sup> 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.

<sup>3</sup> For the final report of this Commission, see: Barrow Cadbury Commission on Young Adults and the Criminal Justice System (2005) *Lost in Transition*, London: Barrow Cadbury Trust.

culminated in the publication of a consultation document that contained a thorough analysis of the problems caused by and faced by young adult offenders and a series of draft recommendations. During a three month consultation period on this document, views were sought from politicians, policy-makers and practitioners. Over 300 individuals and organisations - including statutory and voluntary sector groups, young adults, and ex-offenders themselves - contributed to this process, helping us to refine our thinking and develop our recommendations. As a result of this work, in November 2009 the T2A Alliance published a 'Young Adult Manifesto', containing ten recommendations that would make the way in which we deal with young adult offenders more effective, fairer and less costly.<sup>4</sup>

In addition, the Barrow Cadbury Trust has established three pilot projects, running from 2009-2012, which are testing different approaches to improving services for young adults in the criminal justice system. The T2A pilots enable community interventions to be tailored to the needs of the individual, with the aim of reducing both the risk of reoffending and social exclusion. The three pilots are in Birmingham, Worcester and London, and are delivered by Staffordshire and West Midlands Probation Trust, YSS and the St Giles Trust respectively.<sup>5</sup> The pilots are subject to a formative evaluation by the University of Oxford's Centre for Criminology, an outcome-based evaluation by Catch22, and a cost-benefit analysis by Matrix Evidence. The University of Oxford's evaluation already points to promising early results and highlights the pilots' success in engaging young adults in actions which will help them towards better lives.

This programme of work, encompassing research, policy development and practical experience, forms the basis of the analysis contained in this consultation response.

### **Statistical information on young adults and the criminal justice system**

This information is drawn from Ministry of Justice publications, and highlights the need for a targeted, effective approach for young adults in the criminal justice system.

- During 2008, 29% of offenders found guilty or cautioned for an indictable offence were aged 18-24.
- During 2009, 141,884 young adults (aged 18-20<sup>6</sup>) were sentenced by the courts.
- During 2009, 14,015 young adults (aged 18-20) were sentenced to immediate custody, 5,174 to a Suspended Sentence Order and 26,031 to a Community Order. 742 received an absolute discharge, 12,170 a conditional discharge, 80,029 a fine and 3,723 were otherwise dealt with.
- During 2009, 44,836 young adults (aged 18-24) started a community order, 36% of the total number of people to receive a community order, and 16,233 young adults (aged 18-24) started a suspended sentence order, 35% of the total.
- As of 31 December 2009, 33,728 young adults (aged 18-24) were serving a community order, 34% of the total, and 14,656 were serving a suspended sentence order, 34% of the total.
- During 2009, 30,880 young adults (aged 18-24) entered prison establishments under an immediate custodial sentence, 33% of the total.
- As of 30 June 2009, the population of young adults (aged 18-24) in prison under sentence was 18,133, making up 26% of the total sentenced prison population.

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<sup>4</sup> The 'Young Adult Manifesto' is available at <http://www.t2a.org.uk/publication-download.php?id=27>

<sup>5</sup> For more information on the pilot projects, see <http://www.t2a.org.uk/pilots>

<sup>6</sup> National sentencing statistics are not broken down for the 18-24 year old age group.

- As of 30 June 2009, the majority of young adults (aged 18-20) in prison were serving a custodial sentence of between one and four years (4,484 out of 7,574). 783 were serving a sentence of six months or less and 395 a sentence longer than six months but less than 12 months.
- 47.2% of 18-20 year olds and 43% of 21-24 year olds released from custody or commencing a court order under probation supervision in 2008 were convicted of committing a further offence within one year. For all adults the reconviction rate was 40.1%.

As this information makes clear, young adults aged 18-24, who constitute less than 10% of the population, are disproportionately involved in the criminal justice system, making up more than one-third of those commencing a community order or suspended sentence order, one-third of the probation service's caseload and almost one-third of those sentenced to prison each year. This demonstrates the impact that reforms targeted at this age group could have on reducing reoffending and consequently reducing the cost of the criminal justice system and cutting crime.

### **Why young adults?**

There is extensive evidence, both demographic and developmental, that 'young adulthood' is a particular stage in life and that young adults require distinct treatment. Consequently, the T2A Alliance, which has been studying the issue of young adult offenders for the last two years, advocates the recognition of young adults as a distinct group within the criminal justice system, due to their levels of maturity and the economic, social and structural factors that specifically impact upon them.

In demographic terms, young adults face a range of transitions as they move towards adulthood. These include: the move from education to employment; the move into a long-term relationship, perhaps becoming a parent; and the move from the parental home to their own 'household'. In recent decades, there has been a significant shift in the age at which these milestones are reached. For example, in 1971 the average age of first marriage was 25.6 years for males and 23.1 years for females, whereas in 2004 this average had increased substantially to 31.4 and 29.1 respectively. The average age of the mother at the birth of her first child rose from 23.6 to 27.6 over a slightly longer period (1971 to 2006). The age at which young adults first live alone has also increased. In 2006, 58% of males and 39% of females aged 20-24 were still living in the family home, compared to just 50% and 32% in 1991. And, the numbers of single-person households among 16-24 year-olds have fallen by around half a per cent since 1986 while, by comparison, the numbers of single-person households in ages 25-44 have more than doubled in that time. The 'staying on rate' for post-16 education in England has also more than doubled from 38% in 1970 to 78% today, with some 40% of young people currently going on to university. The criminal justice system's arbitrary determination that those over the age of 18 are 'adults' is thus out of step with cultural and social norms of transitions to adulthood, and fails to recognise changes in broader society in recent decades.

Developmentally, many young adults also exhibit immaturity that may be related to their offending, with research into brain development identifying a range of changes that continue through the young adult age range. A report by the T2A Alliance, *Universities of Crime: Young Adults, the Criminal Justice System and Social Policy*<sup>7</sup>, demonstrated that it is

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<sup>7</sup> Available at <http://www.t2a.org.uk/publication-download.php?id=15>

widely recognised that young adults potentially face greater difficulties in controlling behaviour, are more prone to risky behaviour and are less able to plan for the future, with researcher Melissa Caulum stating, following a review of the research evidence and its implications for US penal policy, that “the human brain continues to mature until at least the age of twenty-five, particularly in the areas of judgment, reasoning, and impulse control” and going on to conclude that “a legal system that arbitrarily distinguishes between juveniles and adults based on the age of eighteen cannot be reconciled with the psychological, behavioural, and cognitive research that shows significant development through the age of twenty five.”<sup>8</sup> These conclusions were supported by discussions at a T2A expert roundtable hosted by Lord Bradley in the House of Lords in February 2011, which brought together key experts from the world of neurology, psychology and criminology to discuss the concept of maturity.

In addition, young adults in trouble with the law often have particularly high levels of complex need and are from backgrounds of great disadvantage, and young people with the most troubled or traumatic childhoods often take a lot longer than average to mature. Vulnerable young adults often lack positive adult role models and also suffer from high levels of mental ill-health and alcohol and drug misuse problems. As a member of staff, describing the young adults using their specialist service, put it: “They’re very needy. They’re very vulnerable. They haven’t had good role models. They often have chaotic lives, and lead very hand to mouth existences. And some of them, despite their age, are amazingly unskilled at coping with adult responsibilities.”<sup>9</sup>

These issues can be exacerbated by the fact that child-focused support services – such as care services, Child and Adolescent Mental Health Services, children’s services and youth offending teams – fall away when they reach the age of 18 (or even 16, in the case of Child and Adolescent Mental Health Services). Yet the T2A Alliance’s work has shown that adult services are often not appropriate for young adults aged 18-24 and that young adults are often at risk of ‘falling through the gap’ between child and adult services. Many young adults therefore have experiences of being let down by services, despite the fact that we know that they are among those most likely to have poor outcomes if left without external help or support.

Young adults are also the most likely age group to desist and ‘grow out of crime’, and the wrong intervention at this time can slow desistance and therefore extend the period during which a young adult might commit crime. Between the ages of 18 and 24, the focus should be on encouraging desistance from crime and supporting the factors which reduce criminal behaviour, for example employment, housing and good health. A criminal record incurred at this age can also be a major and long-standing barrier to employment, which will have a very scarring effect on young adults.

Poor transitions to adulthood also impact on the next generation, as the wrong interventions with young adults within the criminal justice system can hamper their ability to maintain relationships and family contact, both of which can play a central role in

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<sup>8</sup> Caulum, M. (2007) *Postadolescent Brain Development: A Disconnect Between Neuroscience, Emerging Adults and the Corrections System*, cited in T2A Alliance (2009) *Universities of Crime: Young Adults, the Criminal Justice System and Social Policy*, London: T2A Alliance.

<sup>9</sup> p.34: Devitt, K. and Lowe, K. (2010) *Made to Measure: Bespoke services for young adults: Examples of promising practice*, Brighton: Young People in Focus.

supporting desistance from crime. The work of the T2A Alliance has identified that many young adult offenders are parents. A quarter of men in Young Offender Institutions are, or are shortly to become, fathers and some 60% of women in custody are mothers, with 45% of those having parental responsibility at the time of the imprisonment. Getting interventions with this group right can help young adults move away from crime and improve their life chances and those of their children.

Young adults themselves also recognise that they are not fully mature and that the available services are not suitable for them. Interviewed for the T2A Alliance report 'Made to Measure', produced by Young People in Focus, young adults said that they while they are legally an adult, they often do not feel that way. Despite reaching 18, the young adults did not feel they were 'fully-fledged' adults, and were certainly not ready to take on full adult responsibilities. As one 23-year-old woman described it:

*"A lot of my friends were saying, 'at 18 everything changes, you're an adult. You'll feel like it'. But I still felt like a 15 year- old. I still felt like I wasn't ready for everything. I was finding things really difficult like sorting out my flat and beginning to learn to cook and remembering to sort things out, like my bills. Everything in general, I just felt like I wasn't able to do it."*<sup>10</sup>

Young adults also said that adult services are not suitable for 18-24 year-olds, with many feeling that accessing adult services had either been a negative experience for them or one which highlighted how they simply did not fit in. Young adults also reported feeling abandoned after outgrowing children's services, speaking of their experiences of isolation and feeling that there was nothing else out there for them.

In addition, young adults are now facing particularly challenging circumstances. Youth unemployment is at record levels, with the unemployment rate for those under the age of 25 at 20.5%, and more than a quarter of unemployed young adults have now been out of work for more than a year. Young adults are also facing the abolition of the Education Maintenance Allowance and higher tuition fees (for those that go to university), as well as cuts to youth services in many areas. More broadly, cuts in local authority services and changes in benefit entitlements, for example the capping of housing benefit, may disproportionately affect young adults, given high unemployment rates.

As long ago as 1974, when a report by the Advisory Council on the Penal System stated that "a special concentration of public effort upon this group of young adults, who are in danger of going on to long and costly criminal careers, is a sensible investment by society at a time when resources, both human and material, are too scarce to allow a similar degree of attention to be paid to all age groups"<sup>11</sup>, it was clear that a distinct approach was necessary for young adult offenders. Action on this important issue is long overdue.

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<sup>10</sup> p.35: Devitt, K. and Lowe, K. (2010) *Made to Measure: Bespoke services for young adults: Examples of promising practice*, Brighton: Young People in Focus.

<sup>11</sup> p.3: Advisory Council on the Penal System (1974) *Young Adult Offenders*, London: HMSO.

## What works with young adults?

The T2A Alliance report 'Made to Measure', produced by Young People in Focus, worked with service providers to identify the wide range of ways in which they work innovatively with young adults.<sup>12</sup> The key ingredients of success that they identified were:

- *Having a flexible approach:* Like children and young people, young adults may need more time to engage with a service and require a greater level of understanding at times when they fail to engage. It is important to give young adults the time and space to think through what they want and need from a service, and not write them off if they make a mistake.
- *Finding innovative ways to engage young adults:* Vulnerable and/or disadvantaged young adults may need more encouragement and effort to build trusted relationships than young adults who have come from more advantaged and nurtured backgrounds. It is therefore important to find innovative ways to work with these young adults. This might be about taking them out on trips, going out for coffee/breakfast or getting them involved in group activities. It might also be about going out to wherever they are to make sure contact is made, possibly through outreach work.
- *Promoting positive futures:* Finding ways to help young adults work towards enjoying and achieving in life is paramount. Having goals, no matter what they are, helps young adults see they have a positive future ahead. Promoting positive futures might be about working with that person to plan out education, training and employment objectives, for example, through CV writing; job searches; or researching courses or new projects. Or it might be simply helping young adults identify the positive things in their life in order that they can then build on them.
- *Linking in with the young adult's support networks:* Children's services will often attempt to make links with other supportive people in a child's life, in order to give them the greatest chance of recovery or rehabilitation and future success. Adult services, however, tend to treat the individual in isolation. For young adult services, there needs to be a half-way point. As much as it is important to help a young adult find ways to cope with life as an independent adult, it is also recognised that at times the support of family, friends or others may be the best way of helping that young adult move on.
- *Linking in with other services needed:* Young adults with multiple needs may not be getting all the help they need to move forward with their lives. Even though they are considered 'old enough' to be organising their own lives, in many instances this is not happening and their needs are subsequently remaining unmet. Linking young adults up with other services (for example housing, education, health and finance) is an important part of helping these young adults gain back control of their lives, and subsequently feel as if they can cope on their own.
- *Promoting independence and life skills:* Equipping a young adult with the skills needed for independent, adult life is essential. Many vulnerable young adults have grown up lacking the guidance and key life-skills needed to make it on their own. Helping young adults with tasks such as cooking, budgeting, form filling or advising how to go about finding and renting a property or looking in to child care are hugely important to a young adult in ensuring their ability to survive independently.
- *Building self-esteem and confidence:* Helping a young adult feel good about themselves is the start point of any pathway to success. Young adults accessing support services may be suffering with very low self-esteem. They may feel labelled as failures and certainly

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<sup>12</sup>p.35-37: Devitt, K. and Lowe, K. (2010) *Made to Measure: Bespoke services for young adults: Examples of promising practice*, Brighton: Young People in Focus.

will be struggling to find their way in life. This is often exacerbated by being at an age where they are beginning to form their adult identities. Rewarding achievements and building on past successes is an extremely important part of helping young adults make their first steps towards positive change.

Other ways that service providers have had success in working with young adults include:

- *Empowering young adults:* Encouraging and supporting them to make well thought out decisions about their own life.
- *Providing 'revolving door' support:* Having a place young adults can return to if they hit a difficult point in their lives.
- *Helping the maturational process:* Promoting responsibility and maturity in young adults to prepare them for their adult lives.
- *Giving young adults the time they need, not the time there is available:* Making sure that there is enough time to support young adults in a way that will actually make a difference to them in the long-term.
- *Accompanying them to appointments:* Ensuring young adults are actively supported in accessing other services they may need, beyond just signposting them on.

Many of these lessons could be applied by criminal justice practitioners working with young adults within existing criminal justice structures. The Ministry of Justice, the National Offender Management Service and probation trusts, in particular, should therefore ensure that practitioners are aware of these issues

### **Response to 'Breaking the Cycle': Overview**

The T2A Alliance is pleased to have the opportunity to respond to this consultation. In general terms we welcome the proposals contained in 'Breaking the Cycle', which constitute a significant step forward for the criminal justice system. Almost all of the ten recommendations of the T2A Alliance's 'Young Adult Manifesto' are addressed in 'Breaking the Cycle', and the Green Paper, if implemented in its present form, would take many positive steps towards the implementation of the T2A Alliance's objectives. However, it is concerning that the Green Paper does not address two issues that the T2A Alliance views as very significant, maturity and the transition from the youth to the adult criminal justice system. As set out above, the T2A Alliance advocates the recognition of young adults as a distinct group within the criminal justice system. Within this, examining how the issue of maturity can best be incorporated into criminal justice decision-making should be a priority for the future development of the criminal justice system. The arbitrary cut-off age of eighteen between the youth and the adult systems is not supported by the evidence and reform is overdue, with more flexibility needed to recognise the levels of maturity of young adult offenders on a case-by-case basis. In addition, in improving the performance of the youth and the adult systems, the Government must consider how to improve the links and communication between them. The Green Paper also pays insufficient attention to the resettlement of offenders, and young adults in particular, which should be priority for the criminal justice system. These issues are examined in more detail in our response to the consultation questions set out below.

## **Response to the consultation questions**

Our responses to the consultation questions on which we have a view are set out below.

### **Question 1**

*How should we achieve our aims for making prisons places of hard work and discipline?*

Providing opportunities for young adults in custody to gain experience of work and build up skills that can be useful in gaining employment after release can be of huge benefit, particularly given that many young adult offenders have little previous experience of employment. Schemes such as the Young Offender Programme led by National Grid, while currently limited in scope, provide real opportunities for young adults to develop skills while taking part in meaningful training and work. However, at present, as reports from HM Inspectorate of Prisons have shown, the level of 'purposeful activity' in many Young Offender Institutions is low and addressing this would clearly be beneficial. Ensuring that work is paid appropriately can also have benefits, not least in helping offenders to support children or other dependents, or potentially begin to pay off debts that could otherwise create barriers to resettlement (for example rent arrears that may stop a young person from being able to access housing on release from custody).

However, the T2A Alliance believes that for young adults in particular, it is important that time in custody is also used to provide an opportunity to focus on learning. The provision of education and training should be central to custodial regimes for young adults, with links into the community improved to ensure that education and training can continue uninterrupted on release. Education and training provided during a custodial sentence should be appropriate to the offenders' ability and useful to gain or continue employment after prison. However, a focus on employability, and on specific trades, must not overlook prisoners with high potential, for whom there is often a paucity of higher-level skill development (above NVQ levels 1 & 2). Custody, when it is unavoidable, can also be an opportunity to address drug and alcohol issues, which are prevalent among young adults in the criminal justice system. It is therefore essential that alongside plans to provide employment in prison, efforts are maintained to provide high-quality education, training and treatment services.

Within this context, the T2A Alliance strongly supports the retention of the sentence of Detention in a Young Offender Institution for 18-20 year olds, which is the only significant sentence specifically for the young adult age group. The sentence is served in specialist Young Offender Institutions, and however long the sentence is, it is followed by a period of supervision in the community. A sentence plan is developed for all offenders serving more than four weeks, and all Young Offender Institutions have personal officer schemes. While there is much that could be done to improve the facilities of Young Offender Institutions and their regimes, to better focus them on training, education and rehabilitation, the T2A Alliance strongly supports the retention of separate and distinct custodial institutions for young adults, which can be better focused on their specific rehabilitative needs. Young adults often feel extremely intimidated in adult prisons, where they are often seen as easy targets for intimidation and bullying by older inmates, while the rules that govern Young Offender Institutions have a much stronger emphasis on education. The T2A Alliance is therefore concerned by reports that young adults (aged 18-20) are being integrated into the adult prison population in some prisons, which is not only unlawful but also risks compromising their safety and their rehabilitation.



#### **Question 4**

*How do we target tough curfew orders to maximise their effectiveness?*

While we acknowledge and welcome the potential of curfew orders to act as an alternative to custody, we are concerned about the possible negative impact of extending the maximum hours of curfew from twelve to sixteen hours. As a report by the National Audit Office has demonstrated, curfew orders of up to twelve hours can limit the employment opportunities available to offenders<sup>13</sup> and extending the maximum hours to sixteen will be even more limiting, potentially preventing young adults from accessing much of the work that may be available to them, and in particular shift-based work. It may also limit their ability to access education, which for some young adults may need to be carried out alongside work. While curfew orders should clearly have a preventative element, and the deprivation of liberty that they entail acts as a punishment, they are not in themselves rehabilitative and they should therefore also be focused around supporting young adults in whatever activities they are also undertaking to turn their lives around.

#### **Question 5**

*What are the best ways of making Community Payback rigorous and demanding?*

The T2A Alliance welcomes efforts to improve community confidence in Community Payback and to ensure that it is recognised by victims, sentencers, offenders and the public as a credible sentence and not as a 'soft option'. In the T2A Alliance's 'Young Adult Manifesto' we strongly make the case for using rigorous community sentences instead of short prison sentences.

We also welcome the fact that Community Payback, suitably configured, can be an opportunity to get experience of work routines and expectations. However, it is important that, for young adults in particular, Community Payback is used as an opportunity to help them to develop experience and skills that will be useful in gaining future employment rather than solely being seen as a punitive function, given that, in our view, it can achieve both. An evaluation of an earlier young adult-specific community programme found that young adults on the programme were keen to use their time on Community Payback to develop skills that would help them to find jobs in the future (while clearly finding working for no pay a punishment in itself).<sup>14</sup> At a time when youth unemployment is a particularly pressing issue, this is an opportunity that must not be missed and in this context the Ministry of Justice should consider the experiences of the Intensive Alternative to Custody pilot in Manchester, which is delivered in partnership with employment specialists Work Solutions and focuses on supporting young adults to move into employment as part of their community sentence.

It should also be noted that the sort of primarily physical community work being envisaged by some commentators may not be suitable for some vulnerable young adults, and in particular some young women. We would also support efforts to reduce the delay between sentencing and commencing a community sentence, which is damaging to sentencer and public confidence. Starting the sentence more quickly would also improve compliance and more clearly link the punishment to the offence.

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<sup>13</sup> p. 24: National Audit Office (2006) *The electronic monitoring of adult offenders*, London: The Stationery Office.

<sup>14</sup> Partridge, S., Harris, J., Abram, M. and Scholes, A. (2005) *The Intensive Control and Change Programme Pilots: A Study of Implementation in the First Year*, London: Home Office.

## **Question 6**

*How can communities be more involved in influencing the type of work completed by offenders on Community Payback?*

In order to facilitate meaningful engagement with *all* members of the community, the views of young adults (aged 18-24) should be actively sought out. This age-group is more likely than other groups to have been the victim of a violent crime and young adults are often caught up in the criminal justice system as victims and as offenders. However, they may be less likely to participate in consultations or other existing engagement opportunities, and efforts should be made to ensure that their views are actively canvassed. This should include working with existing services and groups, for example youth services and local sports clubs.

In addition, many consultations are now moving online and local information is increasingly now primarily available on the internet. While this is often seen to benefit young people, policy makers should be aware that there are significant gaps in online access for some young adults. Research by Catch22, a member of the T2A Alliance, has shown that 1 in 5 of the young people that they work with (who are likely to be from disadvantaged backgrounds) has no access to the internet, while even for those young people who are able to go online “there are concerns in terms of the ease and availability of access, and the ability to use the internet in a confidential and secure setting”<sup>15</sup>. This should be considered in developing the mediums that are used to engage with the public.

In addition, local community groups and employers should be encouraged to participate in Community Payback by offering opportunities to young adult offenders to gain meaningful skills as part of carrying out Community Payback in their organisation. This could benefit the offender and the employer or community group, and help to increase support for community sentences.

## **Question 8**

*What can central government do to help remove local barriers to implementing an integrated approach to managing offenders?*

Improved links between departments and agencies are central to achieving an integrated approach to managing offenders, and the Government should explore the potential of pooled budgets to ensure more effective commissioning at the local level, in order to provide services that are better placed to engage with young adults with multiple and complex needs. However, the Government must also work to remove the barriers between the youth and adult criminal justice agencies and between other youth and adult services. One of the T2A Alliance’s key recommendations is that improvements should be made in transitional arrangements and communication between agencies working with young adults, with particular focus on youth offending teams and probation trusts. At present, as young adults move from the youth to the adult criminal justice system and from youth to adult services in the community, the level of support typically drops dramatically, while the suitability of services may be reduced. The effects of this process are exacerbated by poor communications between youth and adult services. It is therefore essential that youth offending teams and probation trusts improve their transition arrangements in a way that recognises the significant culture shift between the youth and adult criminal justice systems. In order to facilitate this transition, both agencies need to be supported by other

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<sup>15</sup> p.1: Catch22 (2010) *Young people and the digital divide*, London: Catch22.

key agencies within local authorities, including children's services, local health services, adult and community services and the wider voluntary sector.

This issue has been directly addressed in practice by the T2A pilot project in Birmingham. It had been identified that the transfer of cases from youth offending teams to probation trusts was complicated and time consuming for both services, and a draft national protocol was developed with the option of implementation throughout local services. Young people were often moved from youth offending teams to probation trusts through administrative procedures with very little direct communication between the services and the young people through the transition period.

The T2A pilot project has developed a process where each young person has a direct contact with a Community Engagement Officer (CEO) as soon as an initial notification of transfer is made to the unit. The CEO ensures that the young person is kept informed of progress and is made aware of the differences between the services. The CEO remains in contact with the youth offending team officer and once the administrative work is completed and the case allocated to an offender manager, the CEO will organise a meeting between the youth offending team officer and the offender manager with the young person and representatives from any other services involved with the young person. The CEO remains in contact with the young person through the start of their engagement with adult probation services.

This new process is expected to alleviate the fears of the young person and their family through this transition period, give the young person and their family a good understanding of the expectations of adult probation services, and ultimately avoid early breach action through misunderstandings.

### **Question 9**

*How can we incentivise and support the growth of Integrated Offender Management approaches?*

Integrated Offender Management has considerable potential to reduce reoffending and make more efficient use of the limited resources available to criminal justice agencies. To facilitate this, the Ministry of Justice and the Home Office should help to facilitate information-sharing and the development of expertise. In doing this, it is important that best practice in working with young adults is developed and shared, building on the lessons learned in inter-agency working as part of the development of the T2A pilots.

### **Question 11**

*How can we use the pilot drug recovery wings to develop a better continuity of care between custody and the community?*

Drug recovery wings could play a role in supporting young adults with substance misuse problems to successfully stop using drugs. However, in general prison is a poor setting in which to deliver drug treatment programmes. Prisoners are frequently moved from prison to prison which disrupts the delivery of programmes, short sentences may not allow enough time for programmes to be completed, and there is currently insufficient capacity for the number of prisoners that need access to programmes. While work to provide equivalence of care in prisons with that provided in the community is welcome, the UK Drug Policy Commission has argued that prison drug services frequently fall short of even

minimum standards<sup>16</sup>, while the Centre for Mental Health has reported that “prisoners with current and recent histories of addiction stated that there was very little help available in the prison beyond physical detoxification and that they had largely had no one with whom to discuss the underlying reasons for their addiction or what support would be available when they left prison”<sup>17</sup>. Overall, as the UK Drug Policy Commission concluded, “custodial sentences may frequently do more harm than good”<sup>18</sup>. As a result, community sentences linked to appropriate, and where possible young adult-specific, treatment should be used wherever possible for young adult offenders with drug addictions. For the most serious offenders with addiction problems, where custody is unavoidable, there need to be improvements in the treatment available in prison and the introduction of effective offender management to facilitate better links between prison and community services.

### **Question 12**

*What potential opportunities would a payment by results approach bring to supporting drug recovery for offenders?*

As with payment by results for criminal justice services, a focus on developing an outcome-based system is welcome. In order to be effective, however, a payment by results approach to drug treatment will need to consider how to recognise the fact that people coming into services will have different starting points and different needs. This may be particularly relevant for young adult offenders because (as discussed in response to Question 13, below) the drug use of young adults is different from that of older offenders and will therefore require a different approach. Payment by results has the potential to facilitate this by ensuring that the most-appropriate services are made available. However, it will be important to ensure that young adults who use lower level drugs are not seen as below the threshold for entry to services and therefore unable to access support and that those using more serious drugs are not seen as too difficult to work with and ‘parked’ without access to services. To address this, appropriate, young adult-specific services must be made available where needed. In addition, drug-using young adults frequently have multiple needs that require a collaborative approach and, as a recent UK Drug Policy Commission briefing stated, “it is important that payment by results encourages collaboration between sectors and services, and is not simply a spur to competition between them.”<sup>19</sup>

### **Question 13**

*How best can we support those in the community with a drug treatment need, using a graduated approach to the level of residential support, including a specific approach for women?*

In developing services for young adult offenders with a drug treatment need, it is essential to consider the transition between youth and adult services and the lack of appropriate drug services for young adults at present.

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<sup>16</sup> p.64-66: UK Drug Policy Commission (2008) *Reducing Drug Use, Reducing Reoffending: Are programmes for problem drug-using offenders in the UK supported by the evidence?*, London: UK Drug Policy Commission.

<sup>17</sup> p.33: Durcan, G. (2008) *From the Inside: Experiences of prison mental health care*, London: Centre for Mental Health.

<sup>18</sup> p.14: UK Drug Policy Commission (2008) *Reducing Drug Use, Reducing Reoffending: Are programmes for problem drug-using offenders in the UK supported by the evidence?*, London: UK Drug Policy Commission.

<sup>19</sup> p.2: Roberts, M. (2011) *By their fruits: Applying payment by results to drugs recovery*, London: UK Drug Policy Commission.

Young people under the age of 18 and adults have well established treatment programmes but it is now recognised that those on the cusp of adulthood have a set of different needs and face complicated challenges not accounted for by the existing system. As a result young adults in their late teens and early 20s are often the most likely to fall out of treatment and are at risk of being left untreated and forgotten until too late. Many young adults are using multiple substances - primarily alcohol, cannabis, cocaine and ecstasy (the so-called 'ACCE' user profile). Young adults tell us they do not feel comfortable accessing adult drug services, which they view as being mainly for heroin and crack users. They feel vulnerable to the influence of older users, placing them at risk of upgrading to opiate use. Similarly, they feel community alcohol teams are designed for older, entrenched drinkers and ill-equipped to respond to their problems.

Given that services for under-18s, which are often better placed to meet their treatment and support needs, are not accessible for young adults, drug and alcohol services in the community should be designed to take these needs into account, and to manage the transition out of youth services and into adult services. Addaction, which is a member of the T2A Alliance, runs Young Addaction Derby, a service that provides a model for this approach.

*Case study: Young Addaction Derby*

A local needs analysis in Derby showed a gap in young adults accessing treatment services and in January 2009 a young adults service was established. The service takes referrals from Young Addaction Derby City and other agencies, using a screening tool that employs identifying criteria such as age, drug use, lifestyle issues and vulnerability. The service is also promoted to attract self-referrals from young adults who are currently reluctant to define themselves as needing treatment. Caseloads are between 15-20 young adults per project worker. This is half the caseload of adult services project workers, but reflects the much higher level of support. This enables Young Addaction Derby to offer a holistic service, which supports the young adult in all aspects of their life identified through an assessment of their needs. Flexible working is at the heart of the project. Project workers provide young adults with information on drugs and alcohol, but they also focus on building self-esteem, confidence, family relationships, physical and mental health, fitness and general wellbeing. This allows project workers to help young adults make real and lasting change to their lives.

The model provided by Young Addaction Derby demonstrates a way of working with young adults with drug problems that is sensitive to their needs and effective in helping them to turn their lives around. The lessons from this project could be invaluable in developing community-based drug services for young adults.

There are also some differences between ethnic groups in relation to substance misuse. Offenders with a mixed ethnic background are the most likely group to have a criminogenic need relating to drugs – 34.5%, compared to 29% of Black people, 28.5% of White people and 21.3% of Asian people.<sup>20</sup> This should be considered in the development of drugs services.

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<sup>20</sup> p.5: Young People in Focus (2011) *Substance Misuse and Young Adults in the Criminal Justice System*, Brighton: Young People in Focus.

#### **Question 14**

*In what ways do female offenders differ from male offenders and how can we ensure that our services reflect these gender differences?*

The Home Office-sponsored *Corston Report* set out in detail the characteristics and experiences of women offenders and provided a comprehensive blueprint for creating a system that would meet the needs of women offenders and their families and reduce reoffending. The implementation of the recommendations of this review, and the thinking that underpinned them, should be a priority for criminal justice reform.

However, the Ministry of Justice should also be aware of the need to address the needs of young adult women, who are a 'minority within a minority'. For example, only 1.1% (732 out of 68,488 as of 30 June 2009) of the sentenced prison population and 4.3% (6,107 out of 141,096 as of 31 December 2009) of those people supervised by the probation service under a community order or suspended sentence order are women aged 18-24. However, these women are likely to be a particularly challenging group. Many will have mental health and drug and alcohol problems and some may be pregnant or have young children. As young adults, they are also likely to have issues around maturity. The paucity of support for vulnerable women offenders, and the increasing rates of females drawn into the criminal justice system, has also had a disproportionately damaging impact on younger women, with a Cabinet Office study citing young women under the age of 30 as most likely to have complex and multiple needs of any female age group.<sup>21</sup>

Criminal justice agencies therefore must ensure that the needs of this small but important group are met, including through providing gender-specific community services and better co-ordinated community provision that is linked in with the mainstream services that will be better placed to address their distinct needs. It is also important that links between custodial establishments holding young women under the age of 18 and the adult female prison estate are improved and that transition arrangements between youth offending teams and probation trusts take into account the needs of young adult women.

#### **Question 15**

*How could we support the Department of Work and Pensions payment by results approach to get more offenders into work?*

Unemployment is a particular problem for young adults. The latest data from the Office of National Statistics shows that:

- 965,000 people under the age of 25 are out of work (an increase of 66,000 in the last quarter).
- The youth unemployment rate is 20.5%, an increase of 1.5% in the last quarter and the highest figure since comparable records began in 1992.
- 755,000 people aged 18-24 are unemployed, an increase of 42,000 or 5.9% in the last quarter.
- The unemployment rate for 18-24 year-olds is 18.1%.
- 27.8% of unemployed 18-24 year-olds have been unemployed for more than 12 months.

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<sup>21</sup> Cabinet Office Social Exclusion Task Force (2009) *Short Study on Women Offenders*, London: Cabinet Office

There is also research which suggests that unemployment is increasing particularly sharply among young adult women, with the unemployment rate almost doubling among 18-24-year-old women in several areas since the start of the recession.<sup>22</sup>

Yet despite these high rates of unemployment, and the fact that the number of young adults in employment fell significantly in the last quarter, distinct measures designed to move young adults into work or education, such as the Future Jobs Fund, have been discontinued. Unemployment can have a significant and long term impact on young adults, with research suggesting that “spells of unemployment while young create permanent scars”<sup>23</sup> leading to lower wages (research by Paul Gregg and Emma Tominey, for example, has shown that youth unemployment results in a significant wage penalty of 12% to 15% at age 42, even after controlling for educational achievement, region of residence and other family and individual specific characteristics<sup>24</sup>), higher chances of unemployment and reduced happiness in later life<sup>25</sup>, and may make future offending more likely. By contrast, unemployment for older people, however undesirable, has a lesser long-term impact. The Ministry of Justice should therefore ensure that work with the Department of Work and Pensions recognises the importance of focusing on the young adult age group and ensuring that they make a successful transition into employment.

Criminal record reform (as discussed in more detail in response to Question 17, below) could also have a significant impact on helping to move young adult offenders into employment. We strongly endorse proposals to ‘wipe the slate clean’ at the age of 18 for some offenders, and support a significant reduction in the current rehabilitation periods.

### **Question 16**

*What can we do to secure greater commitment from employers in working with us to achieve the outcomes we seek?*

It is well known that employment can play an important role in desistance from crime, and steps must be taken to better enable ex-offenders to move into employment.

In order to help to facilitate this, Business in the Community (a business-led charity with a membership of 850 companies) recently carried out research on behalf of the T2A Alliance to examine some of the concerns held by employers with regard to employing young adults with unspent convictions. This research, which will be published soon, found that employers are willing to support the employability and employment of people with unspent convictions but they need support and guidance in order to do so.

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<sup>22</sup> Stewart, H. and Syal, R. (2011) ‘Jobless rate for young women doubles as council cuts start to bite’, Observer, 13 February – available at <http://www.guardian.co.uk/uk/2011/feb/13/jobless-women-numbers-double>

<sup>23</sup> Bell, D. and Blanchflower, D. (2009) *Youth Unemployment: Déjà Vu?* – available at <http://www.dartmouth.edu/~blnchflr/papers/Youth%209-1.pdf>

<sup>24</sup> Gregg, P. and Tominey, E. (2004) *The Wage Scar from Youth Unemployment*, CMPO Working Paper Series No. 04/097 – available at <http://www.bristol.ac.uk/cmpo/publications/papers/2004/wp97.pdf>

<sup>25</sup> Blanchflower, D. (2010) ‘Credit Crisis Creates Lost Generation’ – available at <http://www.bloomberg.com/news/2010-01-22/credit-crisis-creates-lost-generation-david-g-blanchflower.html>

Looking at current practice, the research suggested that employers who are willing to recruit and employ people with unspent criminal convictions may already:

- Work in partnership with a referring organisation (for example a voluntary organisation) that understands the particular barriers this group faces, with whom to share risk;
- Provide employability experiences (for example work placements) to individuals to act as a selection tool for the employer and a means of building confidence in the individual; and
- Build or develop some in-house understanding of the convictions and circumstances pertaining to the individual at the time of the offence as well as distance travelled by the individual.

The research also examined whether a standardised risk management process utilised by prisons, probation and employers (as appropriate) would mitigate concerns and create a proactive response among employers. However employers indicated that a standardised risk assessment process that has buy-in from probation, prisons and employers seems like a distant goal, as currently there is very little common understanding of risk among this group.

The research therefore suggested the need for more and better sharing of good practice among employers, the need for a channel through which to promote this good practice, and the need for some generic guidance on risk management to support employers supportive of the employment of ex-offenders. The report of the research therefore recommends:

- The creation of generic guidance for employers to help them to manage risk; and
- The creation and development of channels through which to share and publicise examples of good practice.

It argues that these recommendations will contribute to the debate among employers and organisations that seek to support young adults with offending histories about the perceived risk they present to employers because of their unspent criminal convictions. It will also address the way in which employers and third party referral partners may manage their processes in order to increase their propensity to employ from this population.

Previous work by the T2A Alliance has also found evidence indicating that employers are more concerned about whether ex-offenders will make good employees, rather than whether they will repeat their offences in the workplace. Research by the Chartered Institute of Personnel and Development found that employers' concerns focus on the 'soft skills' of honesty, reliability and personal behaviour, with employers with experience of employing ex-offenders reporting satisfaction with ex-offenders' performance in these areas.<sup>26</sup> What is therefore needed is effort to ensure that employers are more aware of this and to encourage expansion and reward positive engagement by employers.

The T2A Alliance has previously suggested that this could be achieved through a national employment initiative that would allow businesses to network and to emphasise existing positive examples of ex-offender employment, as well as to mitigate the risks of 'putting their heads above parapets' and being criticised in public. There are existing models of

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<sup>26</sup> Chartered Institute of Personnel and Development (2007) *Employing ex-offenders to capture talent*, London: Chartered Institute of Personnel and Development.



national employment programmes, for example promoting the employment of care leavers, as well as a large amount of good practice in different local areas that could be adapted and expanded. Engaging employers as partners would help to increase their awareness of the skills of ex-offenders and allow their input into training and employment in prison, which would fit with the Government's intention to increase the availability of work in prisons. It has been estimated that a national employment scheme for ex-offenders could save taxpayers up to £300 million per year<sup>27</sup> and, even in a time of economic difficulty, initiatives to get offenders back into work will save the taxpayer money through reduced costs in benefit payments and across the system as ex-offenders go on to lead more productive lives.

### **Question 17**

*What changes to the Rehabilitation of Offenders Act 1974 would best deliver the balance of rehabilitation and public protection?*

The T2A Alliance agrees that the *Rehabilitation of Offenders Act 1974* urgently needs to be reformed, to prevent a criminal record acting as an unnecessary barrier to employment. This may be particularly important for young adults, given high rates of unemployment (see question 15, above) and the fact that for young adults with little or no experience of work, a criminal record can provide a particularly strong barrier to moving into employment if it is all that they have on their CV.

The T2A Alliance would support the implementation of the recommendations of 'Breaking the Circle', the 2002 report of a review of the *Rehabilitation of Offenders Act 1974*. Implementing these recommendations with regards to the lengths of rehabilitation periods would bring the legislation up-to-date with current criminal justice and sentencing practice and give offenders a better opportunity to move into employment. The T2A Alliance also welcomes the proposal contained in 'Breaking the Cycle' to 'wipe the slate clean' for many young offenders when they reach eighteen years of age. This would enable young adults to make a fresh start, helping to steer them away from crime and into education and employment.

However, the T2A Alliance believes that the Ministry of Justice should consider whether some specific provision could be made for young adults in bringing the *Rehabilitation of Offenders Act 1974* up to date. At present, the rehabilitation periods for those under the age of 18 are broadly halved, in recognition of their immaturity. The Ministry of Justice should examine whether it would be appropriate and proportionate to extend this by introducing shorter rehabilitation periods for 18-24 year olds, either by bringing them in line with under-18s with a 50% reduction in the rehabilitation period or by creating a 25% reduction for 18-24 year olds, to reflect their position 'between' juveniles and full adults. This would better align policy with what we know about desistance, helping to enable young adults who have committed offences as they matured but are now law-abiding to get on with their lives more quickly, leaving their offending behaviour behind them.

### **Question 18**

*How can we better work with the private rented sector to prevent offenders from becoming homeless?*

We welcome the efforts to address the issue of accommodation for former offenders, given that it is well-established that accommodation is an important factor in reducing

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<sup>27</sup> Policy Exchange (2008) *You're Hired!*, London: Policy Exchange.

reoffending. Many offenders are extremely vulnerable individuals, with complex sets of needs. For such individuals, the security provided by stable, affordable accommodation is a crucial part of the support needed to enable them to address deeply-rooted problems, and research (most prominently the Social Exclusion Unit's seminal 2002 report 'Reducing reoffending by ex-prisoners') has pointed to the positive effect secure housing can have in helping individuals to turn away from offending behaviour.

Accommodation is also central in enabling prisoners to access other opportunities and services, such as employment and healthcare. For example, prisoners with accommodation arranged on release are more than four times more likely to have training, education or employment in place than those without accommodation.<sup>28</sup> This is crucial in reducing reoffending, with Ministry of Justice research showing that 74% of prisoners experiencing problems with accommodation and employment reoffend during the year after custody, compared to 43% of those with no problem with either.<sup>29</sup>

However, former prisoners currently face considerable barriers to accessing the private rented sector, as an alternative to social housing. It can be difficult for people leaving custody to contact private landlords from within prisons (with setting up viewings particularly problematic) and most prison-based housing advisors do not have links with private sector landlords. Landlords may also be reluctant to offer private tenancies to people leaving prison, due to the risk or perceived risk involved, and housing benefit may not be sufficient to cover the rent required, forcing offenders who are on benefits to make up the shortfall from limited other income. Former offenders may also be unable to raise the initial deposit or rent in advance that is often required.<sup>30</sup>

Young adults under the age of 25 face an additional barrier to moving into private rented accommodation as a result of the single-room rate, which means that they are only eligible for housing benefit at a level deemed to be appropriate for a bed-sit or one room in shared accommodation. This limits the options that are available to them and can lead to rent arrears building up where a young adult's only option is to move into accommodation that, although it may be the cheapest available, costs more in rent than their housing benefit covers, and try to fund the shortfall out of their other income. If the Ministry of Justice wants more young adult offenders, and particularly those leaving prison, to move into private rented accommodation, they will need to work with the Department for Work and Pensions to address this issue and ensure that appropriate and stable accommodation is affordable for those young adults who are relying on housing benefit. In addition, the links between prison-based housing advice services and private landlords should be improved, while measures such as rent deposit schemes, bond schemes and Social Fund Crisis Loans, which help offenders to meet the up-front costs of private rented accommodation, need to be expanded and made more readily available.

Some projects and organisations have had considerable success in moving former offenders into private rented accommodation, and in examining this issue the Ministry of

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<sup>28</sup> Niven, S. and Stewart, D. (2005) *Resettlement outcomes on release from prison in 2003*, Home Office Findings 248. London: Home Office.

<sup>29</sup> p.6: May, C. Sharma, N. and Stewart, D. (2008) *Factors linked to reoffending: A one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004*. London: Ministry of Justice.

<sup>30</sup> Hughes, A. (2010) *Accessing the Private Rented Sector*, London: Nacro.

Justice should consider the experiences of the St Giles Trust (a member of the T2A Alliance), which has built up a considerable network of private landlords, enabling them to refer a large number of clients into the private rented sector. St Giles (which runs one of the T2A pilots and consequently has significant experience of working with young adults) has a worker dedicated to creating and maintaining links with private sector landlords and checks in place to make sure that the landlords they refer people to are the most suitable ones. They also work closely with clients to help them to secure any necessary rent or deposit, for example through crisis loans. The Crisis PRS Access Development Programme is also a welcome development, and there are other examples of promising practice, which show that ex-offenders can be successfully housed in the private rented sector.

However a significant level of support and guidance are likely to be required to find appropriate accommodation and support may be necessary to enable ex-offenders to maintain the tenancy, particularly for young adults who may have little or no experience of managing their own housing. The Ministry of Justice should also recognise that the private rented sector may not be suitable for some offenders, particularly those with complex needs. For these offenders, specialist housing providers may be a more viable option and make it more likely for them to be able to sustain a tenancy in the long term.

### **Question 19**

*How can we ensure that existing good practice can inform the programme of mental health liaison and diversion pilot projects for adults and young people?*

There are already more than 100 mental health liaison and diversion schemes operating in courts and police stations, with varying levels of quality and funding. Within these existing projects there is a great deal of good practice and mechanisms now need to be put in place to capture and develop this, in order to form the basis of national guidance on the establishment and operation of mental health liaison and diversion schemes that would underpin the development of new services and the improvement of existing schemes. To do this, guidance will need to make clear what constitutes a 'good' scheme and the benefits of a successful scheme. Guidance should be developed in conjunction with the voluntary sector and diversion schemes should be developed with reference to young adults' voices and opinions in shaping the design of the projects and in the light of their experiences. Liaison and diversion schemes should respond to all levels of mental health need, not just severe and enduring mental health problems, to ensure that people with lower levels of mental health need are able to access appropriate treatment and support. The development of women-specific liaison and diversion schemes should also be considered, to ensure that women's mental health needs are addressed.

In developing the pilot schemes, and the guidance and good practice that will underpin them, it will also be essential to consider the specific needs of young adult offenders, many of whom have mental health problems. Young adults have distinct needs and face distinct circumstances, and this should be recognised in the development of mental health liaison and diversion schemes. A recent report by the Youth Justice Board highlighted the point that a high proportion of young people known to youth offending teams are also known to children's services and suggests that youth offending teams often become the first point of intervention because thresholds for children in need are so high for other services. It is therefore important that young people with complex issues including mental health problems are picked up by these agencies before they enter the criminal justice system so that diversion takes place at early stage before their offending behaviour becomes entrenched. Children's services and Child and Adolescent Mental Health Services should

also be involved in the development of liaison and diversion schemes so that they play a central role within them.

## **Question 20**

*How can we best meet our ambition for a national roll-out of the mental health liaison and diversion service?*

We fully endorse the government's commitment to a national roll out of mental health liaison and diversion services and urge them to ensure that this ambition is delivered in practice. Effective mental health liaison and diversion schemes can play an important role in reducing the number of people with mental health problems who are caught up in the criminal justice system.

This is particularly important for young adults, as a high proportion of this age group have mental health problems. A study found that 18-21 year-olds in prison experienced higher levels of mental health problems and were more likely to attempt suicide than either younger or older ages<sup>31</sup>, while an analysis of 18-21 year-old young men in custody by the Howard League for Penal Reform found that 43% experienced mental ill health.<sup>32</sup> Young adult offenders are also three times more likely to have a mental health problem than someone of the same age who is not an offender, with young adults in custody 8-10 times more likely to commit suicide than their counterparts in the general population.<sup>33</sup>

In order to achieve its ambition for a national roll-out of the mental health liaison and diversion service, the Government will need to set out a clear timetable for implementation, both in terms of establishing services where currently none exist and improving existing services to develop an even and coherent national service with uniform standards and levels of provision. While each service will need to be responsive to local needs and circumstances, minimum standards will need to be set and enforced and clear expectations will need to be articulated by ministers and the Government's Health and Criminal Justice Programme Board, which should retain responsibility at a national level for ensuring that momentum is maintained on rolling services out nationally. Directors of Public Health will also have an important role to play locally in ensuring that mental health liaison and diversion service are fully integrated into local mental health and substance misuse services. Secure and long-term funding will also be important in enabling schemes to develop the appropriate links and structures.

However, diversion for young adults with mental health problems will only be effective if there are appropriate services available in the community. As we have stated elsewhere in this response, young adults may find adult services inappropriate or difficult to access, or they may not meet the threshold for treatment. As one worker in a specialist mental health service said: "Post-18, a lot of those young people find it difficult getting in to the adult services, and they are almost falling in to this black hole really. The way that CAMHS deals

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<sup>31</sup> Lader, D., Singleton, N. and Meltzer, H. (2000) *Psychiatric Morbidity among young offenders in England and Wales*, London: Office for National Statistics.

<sup>32</sup> Howard League for Penal Reform (2006) *Out for Good, Meeting the resettlement needs of young men*, London: Howard League for Penal Reform.

<sup>33</sup> p.42: Devitt, K., Knighton, L. and Lowe, K. (2009) *Young Adults Today*, Young People in Focus: Brighton.

with that group, up until 18, is very different than adult services, and so when they go through adult services they find it very, very difficult to engage.”<sup>34</sup>

If diversion is going to be effective, young adult-appropriate services will therefore need to be made available. Bridging the Gap, based in Brighton and Hove, is an example of a service that provides a model for this approach.

*Case study: Bridging the Gap*<sup>35</sup>

An example of a specialist mental health service for young adults is Bridging the Gap, a clinical mental health service provided by the Sussex Partnership NHS Trust for young people aged 14-25 with mental health needs. The service was set up following research which found that mental health services were frequently losing people in the transition to adulthood as they left Child and Adolescent Mental Health Services service at the age of 18 (or even 16). The aim of the Bridging the Gap service is to develop better access to services and earlier intervention for young people with mental health problems, particularly those who are likely to move into adulthood under the treatment of a mental health service.

The service operates through five qualified mental health workers called Teen to Adult Personal Advisors (TAPAs). The TAPAs are based in various Youth Hubs across Brighton, though their work also involves outreach into other areas of the community. The TAPAs team work with young adults through tailored, one-to-one sessions with the period of time spent with a young person determined by their individual needs. The service links in with Child and Adolescent Mental Health Services and the Adult Mental Health Service, as well as with substance misuse services. Referrals to the TAPAs team come from a wide range of other services, including youth offending teams and probation services, and, while caseloads are lower than the average mental health worker, the level and intensity of support given to each young person is considerably higher.

Bridging the Gap demonstrates a model of a service that works appropriately with young adults and is sensitive to their needs. If diversion is to be effective for young adults with mental health problems, services of this kind will need to be developed in the community to both help prevent young adults from getting involved in the criminal justice system in the first place and to provide an appropriate service for those who are diverted from police stations and the courts.

## **Question 22**

*Do you agree that the best way of commissioning payment by results for community sentences is to integrate it within a wider contract which includes ensuring the delivery of the sentence?*

This approach would be preferable to contracting with a host of different providers to manage different elements of the sentence, as it would help to facilitate a holistic and integrated approach. It should help to enable that a provider is able to ensure that the range of interventions are complementary. However, it will be important that the lead provider works with specialist providers as part of consortia, to ensure that particular needs, including those of young adults, are addressed.

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<sup>34</sup> p.20: Devitt, K. and Lowe, K. (2010) *Made to Measure: Bespoke services for young adults: Examples of promising practice*, Brighton: Young People in Focus.

<sup>35</sup> For more details, see:

<http://youngpeopleinfocus.fastnet.co.uk/madetomeasure/casestudies/bridging-the-gap>

### **Question 23**

*What is the best way of reflecting the contribution of different providers within a payment by results approach for those offenders sentenced to custodial sentences and released on licence?*

The T2A Alliance has previously recommended that intensive support should be made available for every young adult (aged 18-24) leaving custody, with a focus on providing through-the-gate mentoring support for all young adult prisoners who want it. This can be best facilitated by putting the emphasis on the provider of community-based services, who would be best placed to work with offenders in custody and in the community, providing essential through-the-gate support.

### **Question 26**

*What measurement method provides the best fit with the principles we have set out for payment by results?*

The T2A Alliance welcomes the focus on outcomes rather than processes that underpins the move towards payment by results, and recognises the necessity behind focusing on reducing reoffending. However, young adult offenders are a group with particularly chaotic lifestyles, with high levels of problem drinking and drug use. They are also likely to face significant barriers to moving into housing and employment. As a result, we are concerned that a payment by results mechanism based solely on reoffending will not effectively incentivise providers to move young adults forward on the steps towards desistance, even if it is likely that they will continue to reoffend in the short-term.

As a result, the Ministry of Justice should examine whether it could set up a mechanism that, alongside rewarding providers for reducing reoffending, also incentivises moving young adults along some of the stepping stones to desistance, for example obtaining employment and stable housing. In doing this, the Ministry of Justice should draw on the work of the London Youth Reducing Reoffending Programme (also known as Project Daedalus), which is based on payment by results principles. This model, based on resettlement 'brokers' working with young adults in London, takes into account the achievement of positive steps. The provider is paid a small amount on starting work with a young adult, with graded payments then triggered by the achievement of a set of outcomes (including securing education or training, securing work, and maintaining work for six months), with each one worth more than the last. For example, entry to employment is paid as an outcome, but progression into six months of sustainable employment gains a further and more substantial payment. This graded approach could be more effective in working with young adults and could also encourage the involvement of voluntary sector organisations (who deliver the resettlement work of Project Daedalus).

### **Question 27**

*What is the best option for measuring reoffending and success to support a payment by results approach?*

In terms of measuring reoffending, while all measures of reconviction are an inexact measure of reoffending, the T2A Alliance supports an approach that recognises the work that goes into reducing the rate of reoffending by young adults rather than simply measuring whether or not they have reoffended. Young adult offenders frequently have chaotic lifestyles, and desistance is a process that takes place over time and may include a slowing down in offending, as they mature, on the way to total desistance. The work of providers to facilitate this should be recognised, and as a result we would welcome an

approach that measures a reduction in the total number of further offences committed as opposed to using the 'yes/no' binary measure as to whether somebody has reoffended.

### **Question 28**

*Is there a case for taking a tailored approach with any specific type of offender?*

The T2A Alliance strongly supports developing a tailored approach to working with young adult offenders aged 18-24 that is flexible and sensitive to their maturity and specific needs. As set out in the 'Why young adults?' section above, there is extensive evidence, both demographic and developmental, for recognising 'young adulthood' as a particular stage in life. Incorporating a recognition of 'young adulthood' within the criminal justice system can help to make the system more effective and reduce reoffending.

The Barrow Cadbury Trust, which convenes the T2A Alliance, is currently funding three Transition to Adulthood pilot projects, to demonstrate in practice the benefits of approaches designed around the specific needs of young adults. These pilots have received a formative evaluation by Oxford University's Centre for Criminology and will receive an outcome-based evaluation by young people's charity Catch22.

#### *About the T2A pilots*

The pilots are in London, Birmingham, and Worcestershire. Two are led by voluntary sector services: the St Giles Trust runs the one in South London as part of its SOS project, and YSS runs the one in Worcestershire. The third one, in Birmingham, is delivered by the Staffordshire and West Midlands Probation Trust.

The London T2A Pilot, run by St Giles Trust, is based in Southwark and Croydon. It works with young adults in prison prior to their release and during and after release into the community. It provides intensive support to divert young adults – principally young men – 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 staff who are all ex-offenders, which helps to provide a level of trust and credibility with the young adults. The London T2A teams have been welcomed by the Youth Offending Teams and Croydon Probation Service. Croydon Probation makes direct referrals to the service, and the local Youth Offending Team has invited the T2A teams to work alongside their key workers on some cases. The T2A teams have also built up good relationships with the local police, who also refer young adults directly to the T2A teams.

The West Mercia T2A pilot is run by YSS and is based in Worcestershire. It has been receiving referrals since February 2009 and works with young adult offenders with high needs in the community. The pilot offers a flexible, community based, one-to-one support and mentoring service, using a mixture of paid staff and local volunteers. Each young adult on the T2A pilot determines what level of support they require, including support for family members. The key worker steers them through the available provision, overcoming any barriers (real or perceived) and provides feedback to agencies to influence service practice and policy development. Each young person develops their own action plan with smart objectives. Staff are responsive to need and flexible in their approach due to the potential changing and chaotic lifestyles of the young adults involved. YSS has established a robust multi-agency T2A steering group with senior management representation from across the criminal justice system, and the T2A pilot encourages regular discourse between

the West Mercia Probation Trust and the Youth Offending Team, and key workers are regular visitors at team meetings and will often meet up to discuss T2A referrals.

The Birmingham T2A pilot is delivered by the Staffordshire and West Midlands Probation Trust and is aimed at young adults aged 17-24 years of age identified as posing a medium risk of reoffending. The pilot enables intervention 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, depending on their needs. It also aims to instil change in the young adults' lives, to enhance their life opportunities, to influence their choices and to move them away from crime, reduce worklessness and improve emotional well-being.

The pilots commenced operation during the period December 2008 to July 2009, although the two voluntary sector teams were able to embed this work within existing projects. Still with one year to run, the pilots are already demonstrating effective work with young adults at risk of reoffending and displaying the benefits of inter-agency policies that will bridge gaps between services and ensure joined up provision for young adults.

The practice ethos of the pilots is one of providing support. The important work to reduce reoffending is integral but contextualised in that supportive framework. The pilots have employed staff to work intensively with the young adults, with support from volunteers. While reducing reoffending by these service users is a core concern and prime objective, this is woven into the broader purpose of enabling them 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). It is therefore, in effect, welfare-based (in the interests of the service user) and, as such, considerably removed from standard risk-based, offender management practice in the adult criminal justice system.

So far, the pilots have been largely successful in engaging young adults in taking up the offered service. The support given is a combination of mentoring and connecting them to services, training and the practical steps they need to take to make progress. All of the pilots are using a person-led, task-focused (or solution focused) model for working with the service users. Through the expression of genuine concern, interest and respect for the individual, the practitioners are able to form a working alliance in which they engage the young person in formulating and following an action plan to help them resolve difficulties, often linked to offending, and to reach their goals.<sup>36</sup>

The University of Oxford's evaluation of pilots (which is available on request from the Barrow Cadbury Trust: [m.rutherford@barrowcadbury.org.uk](mailto:m.rutherford@barrowcadbury.org.uk) or 020 7632 9066) already demonstrates the considerable benefits of this approach, concluding that "the early results from the case studies, and the beliefs of the key players, suggest that the pilots are helping young people to avoid involvement in offending and to make improvements in their lives", adding "according to their self-reports, half of the young adults had not reoffended during

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<sup>36</sup> This description is adapted from T2A literature and the report of the University of Oxford's evaluation of the pilots: Burnett, R. and Santos, G.H. (forthcoming) *Found in Transition? Local Inter-Agency Systems for Guiding Young Adults into Better Lives: Final Report of the Formative Evaluation of the T2A Pilots*.



the six to twelve month period following T2A support. The other half reported that their reoffending was less frequent and less serious, and they are more optimistic about their ability to desist in the future.”

This shows that a distinct focus on young adults can play a part in reducing reoffending by young adults. This needs to be incorporated into the development of payment by results to enable providers to work more intensively with young adults. This could be achieved by creating a distinct cohort of young adults to enable a provider to use the emerging findings from the T2A pilots to focus on what works with this age group.

Alongside young adults, the T2A Alliance also supports a distinct approach to women offenders. The proposed payment by results pilots should include women-specific provision and measures that ensure that women are not marginalised, within which the particular needs of young adult women should be considered. We also welcome the recognition in Paragraph 156 of the Green Paper of the need to prioritise working with offenders from minority ethnic groups. People from ethnic minority communities are less likely at present to be diverted away from the criminal justice system at almost every stage and some of the worst failings in the criminal justice system relate to race issues. This is particularly highlighted by the young adult age group and it is vital that steps are taken to properly address the disproportionate involvement in the criminal justice system of young adults from black and minority ethnic groups. Payment by results could help to achieve this, but organisations with particular expertise in working with people from ethnic minority communities must be involved in designing payment by results systems and mechanisms and lead providers should be required to work with organisations with particular expertise in working with people from ethnic minority communities in the delivery of services.

More broadly, it is important that action is taken across the criminal justice system to make the system fairer for young adults from ethnic minority backgrounds, an issue which is not given sufficient attention in ‘Breaking the Cycle’. The Ministry of Justice should prioritise this in future work, including re-examining the recommendations of the House of Commons Home Affairs Committee’s report on ‘Young Black People and the Criminal Justice System’<sup>37</sup> – which include the need for greater continuity between the youth and adult justice systems and for a renewed emphasis to be placed on the rehabilitation, resettlement and reintegration of all young adults leaving custody – and the work that has been done to date to implement them.

There is also insufficient attention paid in the Green Paper to the resettlement of offenders, and young adults in particular. The T2A Alliance has identified resettlement as a priority issue and recommends that intensive support should be made available for every young adult (aged 18-24) leaving custody, regardless of their length of sentence. Regular contact with prisoners needs to begin before release, and every young adult should be offered through-the-gate mentoring support upon release. We also recommend that education, work or training should become a key focus within custody, while young adults should be supported into work or education on their release from prison. While the introduction of payment by results can help to deliver this, it will take time to scale it up to provide

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<sup>37</sup> House of Commons Home Affairs Committee (2007) *Young Black People and the Criminal Justice System*, Second Report of Session 2006–07, London: The Stationery Office Limited.

national coverage. In the meantime, it is essential that the resettlement of young adults is prioritised.

### **Question 31**

*How do we involve smaller voluntary organisations as well as the larger national ones?*

The T2A Alliance welcomes the recognition in the Green Paper that steps will need to be taken to ensure that small, specialist organisations can play a significant role in working with offenders and reducing reoffending. This may be particularly true of young adults, where the skills and knowledge of specialist organisations can be important in dealing with developmental and maturity issues.

#### *Case study: Switchback*

An example of a small, specialist organisation working with young adults is Switchback, an organisation that is profiled in the T2A Alliance report 'Made to Measure'.<sup>38</sup> Switchback works solely with 18-24 year-old men who have recently left prison. Building on the skills they have developed in prison, Switchback links the young men in with a local café and sets them up with instant 'on-the-job' training. The goal is to help support trainees to become more stable in all areas of their lives. Switchback mentors work with each new referral for three months before their release from prison, and for as long as is necessary afterwards. Underpinning all of the practical aspects to the service is the ongoing support and mentoring offered. Through combining a personalised, intensive mentoring relationship with a practical programme, Switchback mentors make employment a realistic prospect for the trainees, and through doing so make lasting change possible.

Switchback differs from other services in its recognition that young adult offenders often need more time, support and guidance to help change their behaviour and the realisation that more intensive, holistic work is what is needed to really break the cycle of reoffending. Switchback promotes education, employment and training; works flexibly to encourage engagement; helps to develop life skills; makes links with wider support networks; only closes cases when the young adult is ready; and helps to develop maturity and responsibility. This final focus is felt key to both changing the offending cycle and also helping the young men make a successful transition to adulthood. Switchback (which does not currently receive statutory funding) has three staff and in 2009 worked with 25 young men over the course of the year.<sup>39</sup>

While these small, specialist service-providers are only part of the spectrum of organisations that can be involved in reducing reoffending by young adults, it is essential that structures are developed to enable them to continue to play a role. While sub-contracting with larger, lead providers is part of the solution, the Ministry of Justice must ensure that this is carried out in a fair and sustainable way that allows voluntary sector providers a full role in the design, as well as the delivery, of services. Even for organisations that do not receive statutory funding, the Ministry of Justice should ensure that they are able to gain access to prisons and to work with providers of criminal justice services in the community to enable them to play a role in reducing reoffending.

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<sup>38</sup> Devitt, K. and Lowe, K. (2010) *Made to Measure: Bespoke services for young adults: Examples of promising practice*, Brighton: Young People in Focus.

<sup>39</sup> For more details, see:

<http://youngpeopleinfocus.fastnet.co.uk/madetomeasure/casestudies/switchback>

### Question 32

*What are the best ways to simplify the sentencing framework?*

The T2A Alliance welcomes the changes set out in 'Breaking the Cycle' to simplify and improve the sentencing framework. In particular we welcome reforms intended to limit the use of Indeterminate Sentences for Public Protection. As of January 2010, a quarter of the prisoners serving a sentence of Imprisonment for Public Protection were aged 18-24, a total of 1,460 prisoners.<sup>40</sup> In our view, the sentences of Imprisonment for Public Protection has been unjustly overused, with many prisoners inappropriately serving sentences far in excess of their tariff. The proposals to reduce the use of the sentence of Imprisonment for Public Protection and improve the mechanisms to ensure that people who have served a sentence in excess of their tariff are released in a timely fashion are therefore particularly welcome.

However, the T2A Alliance was extremely disappointed that no measures were set out in the Green Paper to introduce maturity into the sentencing structure. The T2A Alliance believes that the sentencing of young adults should take into account the maturity of the offender and the offence, rather than just the offender's chronological age, in addition to being proportionate to the seriousness of the offence and the persistence of offending. This would, where appropriate, better align the sentencing of young adults with that of juveniles.

In addition to the broader arguments in favour of treating young adults as a distinct group within the criminal justice system, there are a number of reasons for taking a distinct approach to the sentencing of young adults. Youth can be seen as a reason for differential treatment due to the offender's reduced culpability as a result of cognitive factors (a lack of understanding of the consequences of their actions) and reduced volitional controls (a lesser ability to postpone gratification, restrain actions resulting from anger or aggression, and resist peer pressures). Another reason for differentiated sentencing is the perceived greater 'punitive bite' of sentences on young people (i.e. a penalty is more onerous when experienced by a young person, and has greater negative effects on their life chances, development and self-esteem. With custodial sentences, there is also a greater risk of self harm than exists in relation to an adult).<sup>41</sup> These rationales are commonly applied to under-18s, but are equally relevant for those aged 18-24.

The Sentencing Advisory Panel, one of the predecessors of the current Sentencing Council, summarised the 'factors that are most commonly regarded as having the potential to influence the penalty imposed' with regards to age as: offending by a young person is frequently a phase which passes fairly rapidly and therefore reaction needs to be kept well balanced in order to avoid alienating the young person from society; a criminal conviction at this stage of a person's life may have a disproportionate impact on the ability of the young person to gain meaningful employment and play a worthwhile role in society; the impact of punishment is felt more heavily by young people in the sense that any sentence will seem to be far longer in comparison with their relative age than for adult offenders; young people may be more receptive to changing the way they conduct themselves and be

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<sup>40</sup> p.14: Jacobson, J. and Hough, M. (2010) *Unjust Deserts: Imprisonment for public protection*, London: Prison Reform Trust.

<sup>41</sup> Von Hirsch, A. and Ashworth, A. (2005) *Proportionate Sentencing – Exploring the Principles* Oxford University Press: Oxford.

able to respond more quickly to interventions; young people should be given greater opportunity to learn from their mistakes; and young people will be no less vulnerable than adults to the contaminating influences that can be expected within a custodial context and probably more so.<sup>42</sup> While, this was related to under-18s, these factors could also be applied to those aged 18-24. This further demonstrates the arbitrary nature of the sharp differentiation between the youth and adult systems.

The principles of proportionate sentencing for juveniles should therefore be adapted for the young adult age group, and in examining how this could best be implemented, the T2A Alliance was most convinced by the model of sentencing of young adults in Germany that allows sentencers a level of discretion in trying young adults up to the age of 20 under juvenile law, depending on the seriousness and circumstances of the crime and the maturity of the offender. Immaturity is also seen to be a mitigating factor for those young adults who are not sentenced under juvenile law.

#### *German Sentencing Model*

In the German system, all young adults aged 18-20 are transferred to the jurisdiction of juvenile courts, with courts having the option of sentencing according to the juvenile law or the adult law. Juvenile law should be applied if “a global examination of the offender’s personality and of his social environment indicates that at the time of committing the crime the young adult in his moral and psychological development was like a juvenile”. Juvenile law is also applied if it appears that the motives behind and the circumstances surrounding the offence are those of a typical juvenile crime. About two-thirds of young adults are sentenced as juveniles and on the whole it is more serious cases that are dealt with in the juvenile jurisdiction and minor, particularly traffic, offences that are dealt with in the adult system. For those offences that are dealt with in the adult system, immaturity is still seen as a mitigating factor.

This approach, which has been used in Germany since 1953, has been endorsed by the Council of Europe’s Committee of Ministers, which has recommended that “reflecting the extended transition to adulthood, it should be possible for young adults under the age of 21 to be treated in a way comparable to juveniles and to be subject to the same interventions, when the judge is of the opinion that they are not as mature and responsible for their actions as full adults.”<sup>43</sup>

The T2A Alliance therefore recommends that a UK pilot should be set up based on maturity assessments and drawing on practice in Germany for sentencing young adults under juvenile law, depending on the nature of the crime and the offender’s level of maturity. In line with the German system, this could be applied (at least initially) to 18-20 year olds, which would be consistent with the existence of provisions for those aged 18-20 in Young Offender Institutions, with immaturity used as a mitigating factor within the adult system for young adults aged 21 or over (which would be in line with the very welcome approach

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<sup>42</sup> p.21: Sentencing Advisory Panel (2008) *Consultation paper on principles of sentencing for youths*.

<sup>43</sup> p.3: Council of Europe Committee of Ministers (2003) *Recommendation Rec (2003) 20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice*.

taken in the Sentencing Council's draft guideline on assault, which proposed that "Youth/lack of maturity or age" should be a mitigating factor<sup>44</sup>).

The T2A Alliance has just begun an extensive programme of work examining maturity, including looking at the concept of assessing maturity based on the circumstances of the offence as well as on the individual offender's characteristics. The work will examine in more detail how this system of sentencing could work in practice. This will include the publication of a systematic literature review on maturity, which has been commissioned by the Barrow Cadbury Trust from the University of Birmingham and will be available at the end of March 2011.

Economic analysis carried out for the T2A Alliance by Matrix Evidence showed that introducing measures that would allow certain young adults to be tried under juvenile law following a maturity assessment is likely to produce a lifetime cost saving to society of almost £5 million (£420 per offender). During the course of two parliaments, the implementation of such a scheme would be likely to lead to a total net benefit to society of almost £473,000.<sup>45</sup>

Polling carried out recently for the T2A Alliance by ComRes<sup>46</sup> also shows there is a high level of support for taking account of emotional and psychological maturity in sentencing amongst MPs and the general public. The polling found that:

- 69% of people think a person's emotional and psychological maturity should be taken into account when they are accused of breaking the law, with only 57% thinking age should be taken into account.
- Four in ten (41%) people think age is not important in sentencing, compared to less than a third (28%) who think that emotional and psychological maturity is not important.
- More than 8 in 10 (81%) MPs think maturity should be taken into account by the courts.

This poll supports the T2A Alliance's argument that, as people mature at different rates and many young adults in trouble with the law exhibit developmental levels characteristic of far younger people, courts should treat young adults on a case-by-case basis according to their maturity rather than arbitrarily based on their age.

### **Question 33**

*What should be the requirements on the courts to explain the sentence?*

A clear and comprehensible explanation of why a sentence has been given is a vital part of the sentencing process for both victims and offenders. We therefore welcome efforts to achieve this by simplifying the requirements on sentencers and allowing them to focus on what is important. However, it is important that this is accompanied by guidance, and where necessary training, to ensure that sentencers are clear as to what needs to be communicated and how this can best be done. Many young adult offenders have mental health problems or learning difficulties or disabilities and it is essential that sentencers know how best to communicate with them. If maturity is going to become more central to

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<sup>44</sup> p.22: Sentencing Council (2010) *Assault Guideline: Professional consultation*, London: Sentencing Council.

<sup>45</sup> Matrix Evidence (2009) *Economic analysis of interventions for young adults offenders* – available at <http://www.t2a.org.uk/publication-download.php?id=29>

<sup>46</sup> For more details, see <http://www.comres.co.uk/page16578229.aspx>

sentencing (see our answer to Question 32, above), then sentencers will also need to be able to clearly explain how assessments about maturity have been reached and what impact this has had. This may require specialist training and support.

### **Question 37**

*How can we make community sentencing most effective in preventing persistent offending?*

It is clear to the T2A Alliance that community sentences are vastly preferable to custodial sentences where young adults do not pose a threat to public safety. However, community sentences are not currently working as well as they could to address young adults' specific rehabilitative needs, and two-fifths end up in breach. There has previously been recognition by probation trusts that community sentences for young adults should be tailored to their specific needs, with the introduction, in 2003, of a community programme aimed specifically at young adults, the Intensive Control and Change Programme. It was for 18-20 year-olds only and offered "intensive, evidence-based interventions during community supervision to tackle criminogenic needs in order to change attitudes and behaviour", with the goal of reducing reoffending. While this programme was discontinued following the introduction of the generic Community Order, it was positively evaluated and demonstrates recognition of the need for community provision that meets the specific rehabilitative needs of young adults.

The Centre for Crime and Justice Studies (a member of the T2A Alliance) has subsequently examined the use of the Community Order and Suspended Sentence Order for young adults.<sup>47</sup> They concluded that there has been "little innovation in the practical application of the new sentencing arrangements for young adults, with the Community Order appearing to mirror the old community sentences" and that "the overall pattern of use of the Community Order and the Suspended Sentence Order tends to work against what is known about young adults' needs and the factors associated with their offending". There is a heavy reliance on unpaid work and, to a lesser degree, supervision, with little done to address young adults' rehabilitative needs.

We therefore argue that in order to make community sentencing more effective in reducing reoffending by young adults, community provision should be developed that addresses the specific needs of young adults and the causes of their offending (including gender-specific provision that meets the needs of young adult women). In particular, this would require the expansion of services tailored specifically to this age group, addressing issues related to drugs and, in particular, alcohol. Young adult offenders are particularly likely to have a problem with alcohol and have more problematic drinking behaviour than their older counterparts, with a higher proportion of young adult offenders exhibiting a criminogenic need relating to alcohol than of other age groups.<sup>48</sup>

The Ministry of Justice should look to build on the work carried out specifically with young adults through the Intensive Alternative to Custody pilot in Manchester, which specifically targets 18-25 year-old men and was developed to provide a credible and effective alternative to custody for young adult offenders who would normally receive a prison sentence of less than 12 months. The Intensive Alternative to Custody Programme involves

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<sup>47</sup> Stanley, S. (2007) *The Use of the Community Order and the Suspended Sentence Order for Young Adult Offenders*, London: CCJS.

<sup>48</sup> Young People in Focus (2011) *Substance Misuse and Young Adults in the Criminal Justice System*, Brighton: Young People in Focus.

tailored interventions for each offender and intensive supervision and support, and while results from the evaluation of the pilot are not yet available, it appears from initial reports that the project is both reducing reoffending and diverting young adults from custody. This is a positive example of innovation within the justice system and, subject to a full evaluation, the Ministry of Justice should consider how this approach can be more widely applied.

The Ministry of Justice should also consider whether better use could be made of the attendance centre order. This requirement of the Community Order, which is currently very rarely used, is only available for adult offenders up to the age of 25. This order requires attendance at a centre and could be used more creatively to deliver specific services that would address the rehabilitative needs of young adults.

The experience of the T2A pilots should be instrumental in developing a young adult-focused approach. In particular, it is essential that improvements are made in the transitional arrangements and communication between youth offending teams and probation trusts, to improve the management of those offenders who serve sentences that span their eighteenth birthday. In addition, the pilots have demonstrated the benefits of working intensively with young adults, combining mentoring and brokerage (connecting them to services and resources), in order to reduce reoffending by enabling them to 'get on' with their lives. These lessons can be adapted to develop community provision for young adults that is more likely to effectively reduce their reoffending.

### **Question 38**

*Would a generic health treatment community order requirement add value in increasing the numbers of offenders being successfully treated?*

It is clear that the current community order requirements on mental health, drugs and alcohol are not working as intended, given that they are rarely used despite the prevalence among offenders of problems in these areas, although this may be due to a lack of available services in the community rather than a problem with the requirements themselves. A generic health treatment order could offer a more holistic approach that addresses the offender's needs as a whole, as opposed to attempting to separate their distinct needs, and could also be more flexible. This is likely to be appropriate for young adults, who may have multiple needs at a relatively low level, and what we know about what works with young adult suggests that a flexible and holistic approach is key to achieving success.<sup>49</sup> The Young Addaction Derby project (discussed in more detail in answer to Question 13, above), which offers a 'transition' service for young adults aged 18-24 who require support for any kind of drug use, is an example of this flexible approach. Project staff devise an individual treatment plan that looks at the major substance misuse problem, but also explores all the other issues that might be happening in that person's life, including health and mental health issues.

However, our support for this proposal comes with two caveats. Firstly, if it is to be effective for young adults, services need to be made available that are appropriate for this age group. As stated elsewhere in this response, adult mental health and drug services are rarely appropriate for young adults and young adults themselves also say that adult services are not suitable, with many feeling that accessing adult services had either been a

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<sup>49</sup> Devitt, K. and Lowe, K. (2010) *Made to Measure: Bespoke services for young adults: Examples of promising practice*, Brighton: Young People in Focus.

negative experience for them or one which highlighted how they simply did not fit in. More important than reforming the requirements, therefore, is ensuring that appropriate, and properly-funded, services are available. Secondly, mental health, drug and alcohol treatment is better delivered outside the criminal justice system. If these services were more widely available in the community, young adults would be less likely to have to be coerced into attending them as part of a criminal justice sanction. While a generic health treatment community order may therefore be beneficial for those people with health and substance misuse issues that do end up in the criminal justice system, more focus should be given to identifying and addressing these needs in the community before young adults get caught up in the criminal justice system.

### **Question 39**

*How important is the ability to breach offenders for not attending treatment in tackling their drug, alcohol or mental health needs?*

Breach may be necessary to address persistent and wilful failure to comply with the terms of a community order. However, young adult offenders frequently lead chaotic and unstructured lifestyles, and this may result in them unintentionally missing appointments or failing to comply with an order for no justifiable reason. This is unlikely to be a reason to breach a young adult, who may simply need more support or guidance to enable them to access treatment and maintain progress. We therefore welcome proposals in the Green Paper to give professionals more discretion to decide whether formal breach proceedings are necessary. However, the T2A Alliance's work has also shown that young adult offenders may be less likely to engage with or attend treatment where young adult-specific drug, alcohol and mental health services are not available. We therefore believe that the need to enforce compliance could be reduced if more young adult-specific services are made available that better meet the needs of this age group.

### **Question 40**

*What steps can we take to allow professionals greater discretion in managing offenders in the community, while enforcing compliance more effectively?*

The T2A Alliance welcomes proposals to give professionals more discretion in working with offenders in the community. This may be particularly important in working with young adults, who, our experience has shown us, may require additional support from staff in order to allow them to turn their lives around. Allowing staff to make their own judgements as to what is appropriate in the management of a sentence will therefore better enable them to work with young adults.

The T2A Alliance also strongly endorses the proposal contained in Paragraph 206 of 'Breaking the Cycle' to "explore changing the law to allow offender managers to terminate orders early if an offender has 'earned' this through the progress they have made". In our view this innovation would be wholly welcome and would provide a strong incentive for young adults serving community orders to comply with the terms their order, an important step towards desistance from crime. We strongly encourage the Ministry of Justice to pursue this proposal, which in our view could have a significant positive impact on compliance by young adults. The T2A Alliance would also like to see flexibility introduced to allow offender managers to amend the terms of an offender's order, possibly by reducing the number of hours of unpaid work to be completed, if a young adult participates in positive activities such as volunteering.



However, if staff discretion is to be genuinely facilitated, sufficient resources must be available, which is challenging in the current circumstances, and staff working with young adults must have appropriate caseloads. The experience of the T2A pilots and other projects that work with young adults is that lower caseloads allow the sort of intensive work with young adults that can enable them to desist from offending. In addition, more must be done to facilitate joint-work between the youth and adult criminal justice systems, and between youth and adult services more generally. The arbitrary cut-off at the age of 18 for most services is a significant barrier to allowing professionals in the criminal justice system to show genuine discretion to work effectively with young adults who are technically too old to access youth justice services but may be in need of the support and services offered by the youth justice system. Better facilitating the transition between youth and adult services and improving the working links between them would enable professionals to have proper discretion in how to prevent reoffending by young adults.

### **Question 41**

*How might we target community sentences better so that they can help rehabilitate offenders before they reach custody?*

The number of young adults aged 18-24 in custody under sentence has increased from 10,320 in 1993 to 18,133 in 2009, an increase of 76%. While custody is the right response for some young adults, in our view it is very significantly overused at present, while current custodial arrangements are damaging, lessen the employment opportunities of young adults on release, and can perpetuate offending behaviour. The T2A Alliance therefore supports an approach that would genuinely reduce the use of custody for young adults, while putting in place robust and appropriate alternatives in the community for young adults both within and outside the criminal justice system.

However, in recent years the use of fines and conditional and absolute discharge has decreased while there has been a rise in the number of community sentences and the introduction of the new Suspended Sentence Order. This increase in the use of community sentences has not reduced custody rates as much as was originally intended, given that Suspended Sentence Orders, in particular, were intended to act as a direct alternative to custody. This suggests that community sentences have replaced the 'lesser end' fines and discharges, and point to an overall 'up-tariffing' across the system. This shows that efforts to increase the use of community sentences run a substantial risk of continuing or even accelerating this process, which would neither be an appropriate use of limited resources nor a proportionate or effective response to crime. The Ministry of Justice must therefore work with the Sentencing Council to develop clear and consistent guidance as to the appropriate use of community sentences to ensure that they are only used where there is genuinely no alternative from further down the sentencing tariff.

In providing community sentences that will command the confidence of sentencers, the Ministry of Justice should also consider how best to develop options that are specifically designed for young adults and will therefore improve compliance and reduce reoffending. A previous review of the use of intensive probation schemes for young adults argues that a genuine diversionary effect was taking place.<sup>50</sup> This suggests that the availability of effective community provision promoted by robust recommendations for the project from probation staff can lead to the use of community penalties rather than custody, where this

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<sup>50</sup> Brownlee, I. and Joanes, D. (1993) 'Intensive Probation for Young Adult Offenders: Evaluating the impact of a non-custodial sentence' *British Journal of Criminology*, Volume 33, Number 2.

is appropriate. In this context, we welcome the Intensive Alternative to Custody pilot in Manchester, which works 18-25 year-old men providing a robust community based intervention in order to divert this group from short custodial sentences. While an evaluation of the pilot is not yet available, it seems that it is having positive outcomes both in terms of reducing the use of short custodial sentences and in reducing reoffending.

Most importantly, however, community sentences need to rehabilitate offenders before they progress up the sentencing tariff to custody. Providing young adult-specific provision can be central to this for this important cohort of offenders. As we have set out elsewhere in this response, provision designed for young adults must take into account their maturity levels and the economic, social and structural factors that specifically impact upon them. Additional support and guidance for young adults is essential, requiring lower caseloads in many cases, and flexibility and a holistic approach are essential. As the T2A pilots are demonstrating, a targeted approach can have significant benefits in reducing reoffending and improving young adults' life outcomes.

#### **Question 42**

*How should we increase the use of fines and of compensation orders so as to pay back to victims for the harm done to them?*

Given the general 'up-tariffing' that has taken place across the system in recent years (see our response to Question 41, above), we welcome efforts to reinvigorate fines both as an alternative to higher-tariff sentences and as a way to pay something back to the victim. However, fines are not in themselves rehabilitative. As a result, the T2A Alliance would instead prefer a much more widespread use of restorative justice, which would lead to a system that better meets the needs and expectations of victims and does more to reduce reoffending. Where appropriate, following restorative justice processes a fine can still be given. This would be agreed by all stakeholders, which is likely to have more impact on the offender and give more satisfaction to the victim than a fine set by the court. In these cases, it should be noted 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, which can be facilitated through restorative justice when all stakeholders, including the victim, can then see why a particular level of fine has been set. This would also improve the levels of fine collections, which would help to improve public confidence in this sanction.

#### **Question 44**

*How can we better incentivise people who are guilty to enter that plea at the earliest opportunity?*

While efforts to encourage guilty offenders to plead guilty at the earliest appropriate time are welcome, in implementing this reform the Ministry of Justice needs to be wary of putting undue pressure on offenders to plead guilty simply in order to secure a reduced sentence, even when they are not guilty. This could be a particular problem when legal aid as a whole is being cut, with young adults likely to find it particularly difficult to access legal support if they are not able to get legal aid funding.

### **Question 49**

*How can we best use restorative justice approaches to prevent offending by young people and ensure they make amends?*

The T2A Alliance strongly endorses the use of restorative justice for young adult offenders over the age of 18, as well as young offenders. We support the greater use of restorative justice for young adults and we recommend the expansion of the use of restorative justice conferencing in particular. Restorative justice has a solid empirical evidence base and this approach should incorporate best practice from the youth system, including the use of the Youth Restorative Disposal, ensuring early interventions that tackle the causes of offending.

This would also have financial benefits, as work carried out by Matrix Evidence for the T2A Alliance has suggested that for lower level offences diverting young adults from community orders into pre-court restorative justice conferencing schemes (following a police triage service) is likely to produce a lifetime cost saving to society of almost £275 million (£7,050 per offender). The costs of restorative justice conferencing are likely to be paid back within the first year of implementation. During the course of two parliaments, implementation of such a scheme would be likely to lead to a total net benefit to society during this period of over £1 billion.<sup>51</sup>

The T2A Alliance supports a much wider use of restorative justice than solely for lower-level offences. Evidence suggests that restorative justice for more serious offences, such as burglary and robbery, can both improve victim satisfaction and reduce reoffending. The 'Green Paper Evidence Report' that accompanied this consultation showed that restorative justice can achieve a 14% reduction in reconviction rates, meaning the practice is not only good for victims but also good for communities. The T2A Alliance would therefore welcome much greater use of restorative justice across the criminal justice system, both pre-sentence and post-sentence, as an effective route to reducing reoffending.

### **Question 50**

*How can we increase the effective enforcement of youth sentencing?*

The T2A Alliance supports proposals that will improve the effectiveness of the sentencing of young people aged under-18. However, the T2A Alliance would like to see more focus given to how the sentencing of young adults can be better aligned with the sentencing of juveniles. In particular (as set out in answer to Question 32, above), the T2A Alliance supports the introduction of a system whereby young adults can be sentenced under adult or juvenile law on a case-by-case basis, depending on their maturity and the circumstances and type of the offence. This system, which has been operated in Germany since 1953, would bring many vulnerable young adults into the youth courts, and in effect into the youth justice system, where their needs could be better met and their chances of reoffending could be more effectively reduced. This would be a significant and impactful reform to the sentencing system, helping to make sentencing more effective and therefore making a significant contribution to the Government's rehabilitation revolution.

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<sup>51</sup> Matrix Evidence (2009) *Economic analysis of interventions for young adults offenders* – available at <http://www.t2a.org.uk/publication-download.php?id=29>

### **Question 51**

*How can we succeed in reducing the need for custodial remand for young people?*

In addition to reducing the use of custodial remand for young people under the age of eighteen, we also recommend that the Ministry of Justice should prioritise reducing the use of remand for young adults. As of September 2010, nearly two thousand (1,922) young adults aged 18-20<sup>52</sup> were in custody on remand, with many more in the broader 18-24 age group. There is the potential to substantially reduce this figure and we would encourage the Ministry of Justice to examine whether efforts to reduce the need for custodial remand for young people could be extended to include young adults.

### **Question 55**

*How can the functions of the Youth Justice Board best be delivered by the Ministry of Justice?*

Bringing the functions of the Youth Justice Board back within the Ministry of Justice has presented an opportunity to better co-ordinate work between the youth justice system and the adult system, and in particular between the youth and adult custodial estates. As we have stated previously in this response, there is a need for significant improvements in transitional arrangements and communication between agencies working with young adults, with particular focus on youth offending teams and probation trusts and on youth and adult custodial establishments. In establishing new procedures and structures following this reorganisation, the Ministry of Justice should ensure that these transition issues are addressed.

### **Question 57**

*What are the other ways in which we can work effectively across Government to increase local flexibility to tackle offending?*

As we have set out throughout this consultation, there is a need for better working across youth and adult services in all policy areas to facilitate a more flexible approach. Young people do not suddenly become adults on their eighteenth birthday, yet there are sharp distinctions between the drug and mental health services, for example, available to under-18s and over-18s. Improving the flexibility of services and helping them to work better across the divide between youth and adult services would reduce the chances of young people disengaging from services at the age of 18 and consequently losing the support that can be central in preventing offending. The thresholds at which people can access many services (particularly adult services) should also be reconsidered, to allow professionals the necessary discretion to work with young adults who may have issues that do not meet the threshold for treatment services but nonetheless need to be addressed before they become more serious.

### **Question 58**

*What more can be done to support family relationships in order to reduce reoffending and prevent intergenerational crime?*

The T2A Alliance has highlighted how poor transitions to adulthood also impact on the next generation, as the wrong interventions with young adults within the criminal justice system can hamper their ability to maintain relationships and family contact, perpetuating crime. Many young adult offenders are parents; a quarter of men in Young Offender Institutions are, or are shortly to become, fathers and some 60% of women in custody are mothers, with 45% of those having parental responsibility at the time of their imprisonment. Getting interventions with this group right, which can often mean avoiding

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<sup>52</sup> Figures for young adults aged 18-24 held on remand are not publicly available.

a custodial sentence wherever possible, can help young adults move away from crime and improve their life chances and those of their children.

The Government should also consider how relationships between young adult offenders and their parents and other relatives can be maintained and repaired. While some young adult offenders come from backgrounds that are not conducive to desistance from crime, for others the support of their parents or other family members can be essential for promoting effective resettlement and reducing crime. Given that young people are adopting the 'norms' of adulthood later (as set out elsewhere in this response) and are remaining dependent on their parents for longer, family support can be central to young adults, for example for housing and financial support. People leave home on average at 24 years of age, remain financially dependant on their parents later, and often move back home before finally learning to live independently.<sup>53</sup>

Building or rebuilding relations with family members should therefore be prioritised, where appropriate, by agencies working with young adults in the community or in custody. At the Young Addaction Derby project, for example, in addition to being aware of the young person's broader support networks, linking in with families is a priority. Project workers explore the young adult's family situation, to better understand how those relationships affect the drug use behaviour of that person. The project also works with young adults who are pregnant or are already parents themselves through a specialist 'Breaking the Cycle' project. The Breaking the Cycle Co-ordinator aims to intervene early within families to prevent the children of substance misusers growing up to be the next generation of substance misusers. These young people's drug and/or alcohol use may not be considered problematic within an adult treatment setting and therefore not be prioritised. However for many of the young adults accessing the service becoming parents increases their motivation to stop using drugs and alcohol in order to achieve a better future for themselves and their children.

For young adults in custody, helping to facilitate visits by family members should also be a priority as it can play an important role in supporting rehabilitation and reducing reoffending. Those prisoners who are visited in prison by a partner or family member have a significantly lower reoffending rate than those who are not, yet the lack of availability of family visits for this age group has been highlighted by HM Inspectorate of Prisons. Contact between young adults in prison and their families should therefore be positively encouraged and given greater priority in prison regimes in order to take advantage of the small window of opportunity when young adults leave prison to re-establish links with their family and community, and get the support that they need to help them turn their lives around. Efforts should also be made to reduce the distance that young adults in custody are held from home, with young adults aged 18-20 held an average of 50 miles away from their home.<sup>54</sup> However, it is important that attempts to reduce the distance that young adults are held from home do not led to young adults being placed within the general adult population. A distinct and appropriate regime is also essential to the effective rehabilitation of young adults.

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<sup>53</sup> p. 40: T2A Alliance (2009) *A New Start*, London: T2A Alliance.

<sup>54</sup> Prison Reform Trust (2010) *Bromley Briefings Prison Factfile - December 2010*, London: Prison Reform Trust.

Consideration should also be given to the needs of young adults in the criminal justice system who have been in care, who may not have access to support from family members or other networks. Given that young adults who have been in care are more likely to be in contact with the criminal system, the Government should prioritise resources to meet the needs of this important group and should ensure that they are offered additional support, including with securing sustainable housing.

### **Question 59**

*What more can we do to engage people in the justice system, enable and promote volunteering, and make it more transparent and accountable to the public?*

Many young adults welcome the opportunity to volunteer in the criminal justice system and related agencies and organisations. More needs to be done to facilitate this, for example by encouraging and enabling more young adults to become magistrates and proactively involving young adults in advisory groups and other criminal justice structures. In addition, more must be done to enable young adults with criminal records to volunteer and work within the criminal justice system. The T2A pilot projects successfully involve former offenders as volunteers and staff, helping them to establish credibility and trust with the young adults using the services. Reform of the Vetting and Barring Scheme and criminal record checks will help to enable this, but all the criminal justice agencies should have a strategy to engage the skills and time of ex-offenders, as recommended by the former volunteering champion Baroness Neuberger, who carried out a review of volunteering in the criminal justice system.<sup>55</sup>

### **Conclusion**

The T2A Alliance broadly welcomes the proposals set out in 'Breaking the Cycle'. However, in developing and implementing the proposals the Ministry of Justice should consider how to best incorporate the distinct needs and circumstances of young adults into the criminal justice system and, in particular, how to improve transitions from the youth to the adult criminal justice systems and better incorporate the issue of maturity into criminal justice decision making.

**If you would like to discuss the contents of this consultation response further, please contact Max Rutherford, Criminal Justice Programme Officer at the Barrow Cadbury Trust, at [m.rutherford@barrowcadbury.org.uk](mailto:m.rutherford@barrowcadbury.org.uk) or on 020 7632 9066.**

*The members of the T2A Alliance are: 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, Young People in Focus and YoungMinds, and the T2A Alliance is supported by the Barrow Cadbury Trust.*

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<sup>55</sup> p.28: Neuberger, J. (2009) *Volunteering across the criminal justice system*, London: Cabinet Office.