

Written evidence from Transition 2 Adulthood Alliance (T2A)

Introduction

1. The T2A programme produces and promotes evidence for effective ways of working with young adults who commit crime. T2A's principal aim is that the young adults (who T2A define as those aged 18-25) are subject to a distinct approach at all stages of the criminal justice system. T2A's evidence base is founded on three main bodies of research: Criminology, Neurology and Psychology. All three fields strongly support the T2A view that young adults are a distinct group with needs that are different both from children under 18 and adults older than 25, underpinned by the unique developmental maturation process that takes place in this age group.[\[1\]](#)

2. T2A's strategy and work is steered by the T2A Alliance, a coalition of 13 leading justice youth and health organisations, chaired by Joyce Moseley OBE and convened by the Barrow Cadbury Trust.[\[2\]](#) Since its establishment in 2008, T2A has contributed to significant change in policy and practice locally, nationally and internationally. T2A has produced more than 40 reports and undertaken 12 projects across England demonstrating effective interventions for young adults.[\[3\]](#) The framework for T2A's work is the "T2A Pathway", which identifies 10 points in the criminal justice system where a distinct approach to young adults can be delivered, from point of arrest and including prosecution, sentencing, probation and custody.

Summary

3. T2A welcomes the opportunity to respond to the justice committee's inquiry on restorative justice. Research commissioned by T2A suggests that restorative justice may work particularly well for young adult offenders yet to reach maturity. Despite this, restorative practices are much more commonly employed when responding to the offending behaviour of juveniles than of adults.

4. We recommend:[\[4\]](#)

a. Restorative justice should be available in all appropriate cases for young adult offenders at every stage of the criminal justice process: as a diversionary measure, as part of out of court disposals and community sentences and alongside custodial sentences. There are a number of restorative interventions already offered in the youth justice system and these opportunities should be extended to young adults.

b. Restorative practitioners who work with young adults should be aware of the practice implications of a lack of maturity.

c. Restorative practice should be used to develop maturity and facilitate desistance among young adults who offend.

d. All restorative justice for young adult offenders must be high quality, with adequate safeguards to protect vulnerable participants, meeting the standards laid down by the Restorative Justice Council.

Restorative justice and young adults

5. Young adults are significantly over-represented in the criminal justice system, making up only 10% of the general population, but committing around a third of all recorded crime.^[5] Furthermore, offenders from this age group account for both a third of the probation caseload and a third of those sentenced to prison each year,^[6] while their reconviction rates within two years of leaving prison or completing a generic community sentence are as high as three-quarters and two-thirds,^[7] respectively. Given the right intervention, however, young adults are the most likely age group to desist, but the wrong intervention at this time can slow desistance and extend the period that an individual is caught in the net of the criminal justice process.^[8]

6. T2A's 2012 report *Pathways from Crime* identified ten points in the criminal justice process where a more rigorous and effective approach for young people in the transition to adulthood can be delivered. The section on restorative justice recommended that: "Restorative justice should be considered for all young adult offenders at all stages of the criminal justice process, including pre-arrest, pre-sentence, and as part of a sentence".^[9]

7. There are a number of ways in which restorative justice supports desistance which make it a particularly important intervention for this group. Its effectiveness in reducing recidivism by young people and adults is already well documented;^[10] and research into the processes underlying brain maturation indicate that a restorative justice approach may be particularly successful in supporting young adult offenders to desist. A number of restorative interventions already offered in the youth justice system could be usefully extended to young adults.

8. T2A's joint report with the Restorative Justice Council, *Restorative Justice for Young Adults* (2013),^[11] highlights how participation in a restorative process could encourage desistance and have a significant positive impact on young adult offenders. The report is based on interviews with criminal justice practitioners and young adult offenders, as well as a review of the existing literature. It found that restorative justice could help to develop a sense of personal responsibility and self-efficacy, is conducive to the building of social bonds and attachments and encourages compliance by being perceived by participant offenders to be more procedurally-just than court-based processes. Depending on the offender, restorative justice might either instigate the desistance process or provide additional motivation for those who have already chosen or begun to desist.

9. The report highlights important practical considerations for the use of restorative justice with young adults. It found that it was possible for service managers to integrate restorative practices into their work with 18-25 year old victims and offenders at any stage of the criminal justice process. Taking account of the maturity of offenders and victims was also important. Although technically considered to be adults, victims and offenders between the ages of 18 and 25 are still maturing. This has many implications for restorative

practice, of which facilitators and other criminal justice professionals must be aware.

10. Based on this evidence, we would like to see much greater use of restorative justice for young adult offenders at every stage of the criminal justice process: as a diversionary measure, as part of out of court disposals and community sentences and alongside custodial sentences. In recent years, significant progress has been made in the use of restorative practices in the youth justice system, where there is greater use, interest and understanding by practitioners in comparison to the adult field.^[12] By contrast, opportunities to use restorative justice with adults of any age, and young adults in particular, tend to be fairly limited.

11. In England and Wales, there are several existing opportunities to use restorative justice with young adults at each stage of the justice process. These include:

- a. Street-based disposals, where restorative justice can be used by police as an alternative to arrest or prosecution.
- b. Formalised out-of-court disposals, including Adult Conditional Cautions and Neighbourhood Justice Panels
- c. Following conviction, but prior to sentencing (i.e. at the pre-sentence stage). This can be done by deferring the passage of sentence to allow a restorative process to take place, as outlined in Schedule 16(2) of the 2013 Crime and Courts Act.
- d. As a supplement to a court-ordered penalty, such as a part of an Activity Requirement of a Community Sentence Order or Suspended Sentence Order under the Criminal Justice Act (2003). While restorative justice is currently only available as part of a Community Sentence in a few locations, including Thames Valley, Yorkshire and London, a growth in service provision could make it available for young adult offenders across England and Wales;
- e. At the post-sentence stage, including mediation schemes undertaken prior to or following release from custody (see activities within HMYOI Thorn Cross for an example of the use of restorative justice in prisons). This can be initiated by the victim, offender or a criminal justice professional.

12. In reality, there remain significant barriers to restorative justice being used more widely as an intervention. These include:^[13]

- a. A lack of awareness and understanding of restorative justice among criminal justice agencies and the public.
- b. The need for greater awareness of the potential for restorative justice to take place at any point in the criminal justice system, including at pre-sentence stage.
- c. Data protection laws and a lack of national agreements inhibit information sharing between statutory and non-statutory criminal justice agencies and restorative justice providers.
- d. The Restorative Justice Council has recommended that the Victims' Code should be given legislative footing in a new Victims'

Law. Enforcement should be given to the Office of the Victims' Commissioner.

e. To ensure restorative justice is delivered safely and effectively to young adult offenders, the process needs to adhere to recognised standards, as promoted by the Restorative Justice Council.

13. Additionally, restorative justice appears to be used more frequently with some groups than others, with girls and young women and BME young people under-represented in restorative justice interventions. The Restorative Justice Council is currently finalising a report on the former; and is about to start research on the latter, on behalf of T2A, to find the reasons for this, and any actions that could be taken to redress the imbalance.

14. Youth justice systems in which restorative justice is well integrated provide useful learning for how its use might be extended to young adults. The Northern Ireland Youth Conferencing Service is one of the best examples of how restorative justice can be fully incorporated into the youth justice process at the pre-sentence stage. Following a young offender's conviction, but prior to the passage of sentence, there is a statutory requirement for judges to refer almost all cases to the dedicated Youth Conferencing Service. Their job is to enquire as to whether victims and offenders wish to participate in a restorative conference, and then to prepare, facilitate and follow up on these conferences, which usually involve offenders, direct or indirect victims and supporters of both parties.

15. It is well documented that these conferences result in positive outcomes in terms of reoffending rates and victim satisfaction, and participation for both minor and serious crimes is quite high.^[14] Accordingly, if the participation criteria in the legislation were to be amended and the Youth Conferencing Service were to be expanded and trained sufficiently to include young adults in its remit, it would be possible to extend this system to encompass 18-25 year old offenders.

16. In addition, the T2A Pathway programme offers an important example of how a restorative approach can be developed for young adults.^[15] These six projects across England and Wales represent collectively a whole pathway approach to working with 16-25 year olds throughout the criminal justice process. One of the projects is delivered by the Remedi mentoring service, which uses a restorative approach to working with young adults in the criminal justice system. The project operates at stages 3 (Restorative Justice) and 6 (Community Sentences) of the T2A Pathway, and delivers restorative mentoring interventions to young adults aged 17-25 across South Yorkshire. The mentoring provided is 'restorative' in that it seeks to address the harm that has been caused by the offence.

17. Remedi has found that that harm caused by an offender presents significant barriers in their life to successful resettlement and to their motivation or ability to stop offending. By combining a broad cross-section of mentoring (befriending, encouragement, guidance, practical and emotional support) with restorative practices (mediation, family conferencing, restorative

conferencing), Remedi delivers a needs led service for the individual and the wider community. 150 referrals per year are made by Remedi's existing and long-established partners in the youth offending service and probation service. Typical mentoring relationships will last between 3 and 6 months. Two dedicated full time practitioners provide these specifically targeted intensive services for the young adult group, alongside existing mentoring teams working with a broader range of offenders.

18. Within custodial settings holding young adult offenders, there is much greater scope for use of restorative practice to build a positive environment and to repair relationships following harmful incidents. Increasing the use of restorative practice could help to tackle bullying and violence, as well as build the self-esteem of young adult offenders. Some prisons and Young Offender Institutions (YOIs) are already using restorative approaches as a tool for resolving violent altercations. According to the Restorative Justice Council, in HMP and YOI Parc, where restorative practice is being trialled, "prisoners and prison officers have noticed a distinct change in the behaviour of prisoners and atmosphere on the wings."^[16] There is growing interest in the youth estate in using restorative processes to improve prisoner self-awareness and coping skills. This technique is currently being trialled in Feltham and Cookham Wood YOIs and could be extended to young adults YOIs.^[17]

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[1] A period often referred to in the literature as the 'maturity gap' or 'emerging adulthood'.

[2] See <http://www.t2a.org.uk/t2a-alliance/> T2A Alliance members are: Addaction, BTEG, Catch 22, Centre for Crime and Justice Studies, CLINKS, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, the Prince's Trust, Prison Reform Trust, Revolving Doors Agency, the Young Foundation and Young Minds. N.B. This T2A response does not necessarily reflect all policy positions of individual Alliance members and some members will additionally submit their own responses.

[3] Six 'T2A Pilots' ran from 2009-2013, demonstrating effective probation services for 18-25 year olds (www.t2a.org.uk/t2a-pilots/). Six 'T2A Pathway projects', launched in 2014, are testing interventions with this group across 10 distinct stages of the criminal justice system (www.t2a.org.uk/pathway).

[4] These recommendations build on the recommendations made by T2A and the Restorative Justice Council in our joint report Restorative Justice for Young Adults (2013) and the Restorative Justice Council's submission to the Harris review.

[5] T2A Alliance (2012) Why Prioritise Young Adults? Four Key Messages for Police and Crime Commissioners. London: T2A.

[6] Prison Reform Trust (2012)

[7] T2A Alliance, (2012) Pathways from Crime: Effective Approaches for Young Adults throughout the Criminal Justice Process. London: T2A

[8] Ibid.

[9] T2A Alliance, (2012) Pathways from Crime: Effective Approaches for Young Adults throughout the Criminal Justice Process. London: T2A

[10] Jacobson, J. and Gibbs, P. (2009) Making amends: restorative youth justice in Northern Ireland. London: Prison Reform Trust

[11] T2A Alliance and Restorative Justice Council (2012) Restorative Justice for Young Adults: Factoring in Maturity and Facilitating Desistence, London: T2A and RJC

[12] The Restorative Service Quality Mark is an independent assessment of an organisation's restorative service by the Restorative Justice Council. The majority of accredited organisations within the field of criminal are in the youth justice sector. <https://www.restorativejustice.org.uk/standards-and-quality>

[13] Adapted from the Restorative Justice Council's submission to the Harris review

[14] Jacobson, J & Gibbs, P (2009) Making Amends: restorative youth justice in Northern Ireland, London: Prison Reform Trust

[15] <http://www.t2a.org.uk/pathway/>

[16] Restorative Justice Council (2015) Submission to the Harris review

[17] Ibid.