House of Commons

Justice Committee

The treatment of young adults in the criminal justice system

Seventh Report of Session 2016–17

HC 169

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Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Our inquiry considered a range of questions about the treatment of young adults—18 to 24 year olds—in the criminal justice system, taking into account recent research into the subject and the work of others, including the report by Lord Harris of Haringey into self-inflicted deaths in custody of 18-24 year olds. Our principal conclusions and recommendations are presented in Chapter 4 of this Report. They take the form of a blueprint for a strategic approach to the treatment of young adults, under the ownership of the Ministry of Justice (MoJ) but with the involvement of a range of criminal justice agencies.

In Chapter 1 of the Report we consider evidence on the needs and characteristics of young adults in the criminal justice system, including propensity to criminal behaviour arising from factors such as their social background, and research into young people's psychological and neurological maturation and issues such as brain development, learning disability and acquired and traumatic brain injury. Our conclusion from this evidence is that "there is a strong case for a distinct approach to the treatment of young adults in the criminal justice system" and that "[d]ealing effectively with young adults while the brain is still developing is crucial for them in making successful transitions to a crime-free adulthood" (paragraph 24).

In Chapter 2 we look at the current approaches of the Ministry of Justice, the National Offender Management Service (NOMS) and other criminal justice agencies towards young adults, examining questions of governance, policy and practice. On the issue of governance, we conclude that existing arrangements are "unsatisfactory" and that "the various age definitions applied by the [MoJ] are … confusing and do not inspire [a] coherent approach …" (paragraph 32).

In respect of their policies and guidance, it is our view that the MoJ and NOMS do not give sufficient weight to the implications of brain maturation for young adult men and women aged 21 to 25 (paragraph 44). We welcome the MoJ's commitment to develop a screening tool for assessing psycho-social maturity for use in prisons and also potentially community settings, although we consider that the omission of certain factors such as mental disorders from the screening process may be a missed opportunity (paragraph 53). Similarly, we welcome the inclusion of the considerations of maturity in the Crown Prosecution Service Code and Sentencing Council guidelines, while noting that it is not clear what impact this has had in practice (paragraph 77). On the question of probation services following the Transforming Rehabilitation reforms we welcome robust measures put in place by the Youth Justice Board, the National Probation Service and NOMS to handle the transition from the youth justice system to adult services (paragraph 84).

In Chapter 3 of our Report we consider the merits of various options proposed to us in evidence to improve the way young adults are treated in the CJS, such as extending the youth justice system to include young adults, improving screening tools and assessments, preventing and countering violence and self-inflicted harm, ensuring developmentally appropriate interventions designed to encourage desistance from

crime, and introducing reforms to practices in courts, prisons and the community with the same objectives. Our discussion of these options informs the blueprint for a strategic approach which we present in Chapter 4 of our Report.

Concluding that there is overwhelming evidence that the CJS does not adequately address the distinct needs of young adults, despite assurances given by the Government, our blueprint has the following main components:

- Overarching principles to inform a step-change in policy and practice in relation to young adults and to underpin a strategic approach "founded on the clear philosophy that the system should seek to acknowledge explicitly [young adults'] developmental status, focus on [their] strengths, build their resilience and recognise unapologetically the degree of overlap of their status as victims and offenders" (paragraph 142)

- Understanding risks and needs including "through a policy of universal screening by prisons and probation services for mental health needs, neuro-developmental disorders, maturity and neuro-psychological impairment" (paragraph 143)

- A distinct approach with specialist staff in prison and probation services and other criminal justice professionals dealing with young adults underpinned by more in-depth training (paragraph 144)

- Building the evidence base for the treatment of young adult offenders, in part through expanding the availability of promising programmes and robustly evaluating them, and examination by MoJ of whether the case can be made for investment to facilitate interventions aimed at young adults, including by the creation of an equivalent to the pupil premium for prisons and Community Rehabilitation Companies (paragraph 146)

- Cross-departmental reform to extend statutory support provided to under-18s by a range of agencies to people up to the age of 25, and consideration of legislative change to recognise the developmental status of young adults (paragraphs 147 and 148)

- Courts and sentencing: further work to evaluate the impact of maturity as a mitigating factor in sentencing and the inclusion of age and maturity in the Code for Crown Prosecutors, and the testing of young adult courts (paragraphs 150 and 152)

- Prisons: use of the forthcoming prison reform bill to extend for those up to the age of 25 the sentence of detention in a young offender institution for 18 to 20 year olds, together with testing various models of ways of holding young adults in custodial institutions, revision of the Incentives and Earned Privileges Scheme, and other measures to reduce violence in prisons (paragraphs 154 and 155).

Introduction

Background to the inquiry

1. We decided to examine the treatment of young adults[1] in the criminal justice system due to concerns raised about the effectiveness of treatment of young adults in the criminal justice system, including high profile coverage of the tragic consequences for individuals when the system appears to have failed them, as well as uncertainty about how the Government intends to deal with these issues. Our inquiry follows the amassing of substantial evidence on young adults' needs, characteristics, existing experiences and potentially more effective ways of working with them by the Transition to Adulthood Alliance and the publication in December 2015 of significant recommendations for reform by Lord (Toby) Harris of Haringey in his review into self-inflicted deaths of young adults in custody.[2]

2. We invited submissions addressing the treatment of young adults in the criminal justice system on the terms of reference set out in Annex 1. The bulk of this report gives a summary of evidence on needs and characteristics of young adults and assesses and draws conclusions about the current approach to the treatment of young adults by the Ministry of Justice, National Offender Management Service, Youth Justice Board, youth offending teams, providers of prison and probation services, the Crown Prosecution Service, the Sentencing Council and sentencers, including governance arrangements. Given the substantial largely uncontroversial evidence amassed by the Transition to Adulthood Alliance and its partners and Lord Harris of Haringey among others, and the absence of a defined Government strategy for the treatment of young adults in the criminal justice system, we present our recommendations in the concluding chapter of this report in the form of a draft strategy which we propose should be adopted by the Ministry and other actors in the criminal justice system listed above.

Activity during our the inquiry

3. To commence our inquiry we held an informal exploratory seminar with selected experts to familiarise ourselves with the key issues. We subsequently met families of young adults who had been, or were in custody, including of two young men who had taken their lives, and with young adults who were or had been recently involved in the criminal justice system, and their supporters. This event left us in no doubt of the tragic personal consequences when the system fails those it is there to save. In addition to holding six oral evidence sessions, we visited HM YOI Aylesbury and HMP Wandsworth. We also went to New York and Boston to examine how they had approached recent changes to practices with young adults in the criminal justice system. We are grateful to all those who have assisted us in our inquiry, particularly those who shared with us their heart-rending personal experiences.

1 Defined as those aged 18 to 25

2 Lord Harris of Haringey, Changing Prisons, Saving Lives Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds, December 2015. Hereafter The Harris Review.

1 The case for change to the treatment of young adults in the criminal justice system

4. In this chapter we consider the evidence regarding the needs and characteristics of young adults in the criminal justice system, and the extent to which they can be classified as a distinct group, which has led many of our witnesses to contend that young adults merit a distinctive approach and to call for corresponding changes in policy and practice.

Defining young adulthood

5. In defining young adulthood, there is considerable debate regarding terminology and associated age ranges. Dr Nathan Hughes defined adolescence as the period between the ages of 10 and 24 and noted that late adolescence is used interchangeably with young adulthood to refer to a distinctive phase of development occurring between the ages of 18 and 24.[3] These various definitions are reflected in the evidence presented to us, in which several different age ranges as used for 'young adults'[4], while others had a preference not purely to define maturity by age[5]. Nevertheless, the majority referred to young adults as 18 to 24 year olds.[6] There is confusion too in the categorisation of young adults by the Ministry of Justice, for example, they variously define them variously as aged 18 to 20, as 18 to 24, and as "adults" for different purposes.[7]

6. Although the number of young adults involved in the criminal justice system, who are typically men, has fallen in recent years—those aged 18 to 20 in custody decreased by 41% over the five years to June 2015, whilst the number of 18 to 24 year olds in custody fell by 26% over the same period[8]—young adults still account for a significant and disproportionate volume of criminal justice caseloads. Adults under the age of 25 represent ten per cent of the general population but account for 30 to 40 per cent of cases, including policing time, those supervised by probation, and prison entrants.[9] Young adult men are more likely than adult men to serve sentences for violent or acquisitive offences and more likely to be involved in robbery or low level drug dealing.[10] Young adults have the highest reconviction rates of any group: 75% are reconvicted within two years of release from prison.[11] Young adults serving community sentences have equally poor outcomes:

3 Dr Nathan Hughes (YAO0015)
4 See for example Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Ministry of Justice (YAO0018)
5 See for example Royal College of Psychiatrists (YAO0033); The Howard League for Penal Reform (YAO0023); Royal College of Speech and Language Therapists (YAO0024); Centre For Justice Innovation (YAO0006)
6 See for example Royal College of Psychiatrists (YAO0033); British Psychological Society (YAO0037); Criminal Justice Alliance (YAO0026); Revolving Doors Agency (YAO0013)
7 Ministry of Justice (YAO0018)
8 Ministry of Justice, Government response to the Harris Review into self-inflicted deaths in National Offender Management Service custody of 18-24 year olds, December 2015; Q450 [Mr Selous]
9 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
10 National Offender Management Service, Better Outcomes for Young Adult Men: Evidence Based Commissioning Principles, August 2015
11 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)

they have the highest breach rates of adults serving community sentences.[12] The poorest outcomes are typically for young black and Muslim men and care leavers, each of whom are over-represented in the system.

General characteristics of young adults in the criminal justice system

7. Our witnesses advanced a number of theories to explain both young adults' over-representation within the system and their poorer outcomes. Much of the recent research on young adults in the criminal justice system derives from a substantial programme convened by the Barrow Cadbury Trust which established and has supported financially the Transition to Adulthood Alliance (also known as T2A), a coalition of 12 criminal justice, health and youth organisations. The publications produced by T2A together provide a significant body of evidence about young adults' characteristics and needs. T2A concluded from this evidence, which it characterised as "wide and robust"[13], that young adults are distinct from older adults in terms of both their needs and their outcomes. Its evidence base is founded on three main bodies of research: criminology, neurology and psychology. We heard from experts in each of these fields and present a summary of the current state of understanding of the issue below.

Brain development and its impact on propensity to criminal behaviour

8. The weight of evidence from our witnesses was that young adulthood is a distinctive period of development.[14] T2A asserted that there is an irrefutable body of evidence from advances in behavioural neuro-science that the typical adult male brain is not fully formed until at least the mid-20s, meaning that young adult males typically have more psycho-social similarities to children than to older adults. Those parts of the brain influencing maturity that are the last to develop are responsible for controlling how individuals weigh long-term gains and costs against short-term rewards.[15] As the system to regulate 'reward seeking' is still evolving this affects how young adults judge situations and decide to act, including consequential thinking, future-oriented decisions, empathy, remorse, and planning.[16]

9. In typical brain maturation, temperance—the ability to evaluate the consequences of actions and to limit impulsiveness and risk-taking—is a significant factor in moderating behaviour and the fact that its development continues into a person's 20s can influence anti-social decision-making among young adults.[17] For example in his research on persistent offenders, Professor of Criminology at the University of Cambridge, Sir Anthony Bottoms, found that they had a high level of involvement with peers who themselves had criminal records and also identified the "excitement of offending" as one of the key obstacles to them stopping crime.[18]

12 Ibid.
13 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
14 Q7 [Dr Hughes]; Royal College of Psychiatrists (YAO0033); Professor Sir Anthony Bottoms (YAO0022); Prison Reform Trust (YAO0017); Dr Nathan Hughes (YAO0015); British Psychological Society (YAO0037); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
15 YAO0062
16 Q9 [Dr Delmage]; National Offender Management Service, Better Outcomes for Young Adult Men: Evidence Based Commissioning Principles, August 2015; YAO0062
17 Ibid; Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
18 Q10 [Professor Sir Anthony Bottoms]

10. Professor Bottoms explained to us that criminal behaviour typically decelerates rapidly in the early 20s, importantly including those who had hitherto been persistent offenders. His studies of the process of stopping offending—known as desistance—with Professor Joanna Shapland indicate that as they progress to adulthood young people realise that ongoing criminal behaviour is "not a sensible path and they want to change".[19] This transition and the underlying development of maturity is a process, rather than an event. The Royal College of Psychiatrists observed that "young adults are at a stage of developing their self-identity, settling into the adult world, finding their place, gaining independence and finding partners".[20] This is important because significant life events such as becoming settled in relationships, employment and stable accommodation and developing a sense of agency (being in control of one's behaviour and thoughts) are known to support desistance from crime.[21] At the same time sociological research demonstrates that changes to societal norms have prolonged the age at which people reach these key markers of adulthood; they typically occur five to seven years later today than they did a few decades ago.[22]

The social context of young adults in the criminal justice system

11. The majority of young adults involved in crime are known to a range of statutory services, and most will have been engaged with them in some way as a child. Dr Chitabesan, consultant child and adolescent psychiatrist, characterised the situation for young adults reaching 18 as in "double jeopardy", as they continue to be at high risk of reoffending but support services which can act as protective factors, such as mental health, education and youth offending services, fall away.[23] T2A described youth to adult transitions between services as "often turbulent and poorly planned" and said that this can exacerbate offending behaviour, for example, moving from care services to independent living; leaving school or further education; and moving from child and adolescent mental health or drug services to adult services.[24]

12. These challenges are reinforced by restricted opportunities for young adults to gain financial independence. For example, a quarter of those aged 18 to 24 in the UK are not engaged in employment, training or education; 18 to 20 year olds have a lower minimum wage than those who are aged over 21; most young people under the age of 21 do not qualify for housing benefit; and 18 to 25 year olds are specifically excluded from receiving the 'living' wage.[25]

13. Finally, involvement in the criminal justice system can in itself hinder the transition to adulthood. Dr Delmage, consultant adolescent psychiatrist, emphasised the critical importance of understanding the social context in which young offenders' development occurs, "how their brains become wired" and how this can impact on their sense of identity. He explained:

19 Qq2-3
20 Royal College of Psychiatrists (YAO0033)
21 Ibid; Professor Sir Anthony Bottoms (YAO0022); Q5 [Dr Hughes]
22 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance (YAO0010); Centre For Justice Innovation (YAO0006); See also Q166 [Ms Hinnigan]
23 Q7
24 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010);
25 St Giles Trust YAO0009; Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)

> … the young people I tend to work with have no identity within school; they have very little identity within home. The prosocial parents do not want their kids playing with them. So suddenly they are in a situation of trying to work out who they are; there is an antisocial group of kids at the end of the road who are very happy to give them an identity and that forms who they are. [26]

He also pointed to research indicating that even low level involvement in the criminal justice system, including receiving cautions, can have a detrimental effect on developing identity. Having a criminal conviction can also have practical implications for access to employment and housing.[27]

14. **Research from a range of disciplines strongly supports the 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 developmental maturation process that takes place in this age group. In the context of the criminal justice system this is important as young people who commit crime typically stop doing so by their mid-20s. Those who decide no longer to commit crime can have their efforts to achieve this frustrated both by their previous involvement in the criminal justice system due to the consequences of having criminal records, and limitations in achieving financial independence due to lack of access to affordable accommodation or well-paid employment as wages and benefits are typically lower for this age group.**

Neuro-disabilities and mental disorders

15. We received compelling evidence that another important consideration for young adults in the criminal justice system is the potential presence of atypical brain development. Dr Chitsabesan told us that those who persist in criminal behaviour into adulthood are more likely to have neuro-psychological deficits, including cognitive difficulties with thinking, acting, and solving problems, emotional literacy and regulation, learning difficulties and language problems associated with Attention Deficit Hyperactivity Disorder (ADHD), autism, learning and language disorders and head injuries.[28] Similarly, she said these deficits, particularly ADHD and traumatic brain injury (TBI, an impairment to the brain from an external mechanical force) are associated with more violent offending.[29] Both she and Dr Nathan Hughes, an expert in social policy, highlighted to us the high prevalence of neuro-developmental disorders that young offenders in custody are estimated to have:

26 Q6. Prosocial behaviour is positive, helpful, and intended to promote social acceptance and friendship. See also The Howard League for Penal Reform (YAO0023)

27 YAO0049; Nacro; Q398 [Ms Mullins; Mr Kastner]; Q401 [Mr Ilic}

28 Q5

29 Q21; British Psychological Society

	Prevalence among young people in general population	Prevalence among young people in custody
Learning disability	2–4%	23–32%
Communication impairment	5–7%	60–90%
ADHD	1.7–9%	12%
Autistic Spectrum Disorder	0.6–1.2%	15%
Any head injury	24–42%	49–72%
Head injury resulting in loss of consciousness	5–24%	32–50%

16. Taking head injury as an example, there is far higher prevalence of Acquired Brain Injury—estimated to be between 50-60%—among young prisoners compared to older prisoners.[30] Young adults with traumatic brain injury (TBI) are even less likely to reach full neurological development by their mid-20s. The consequences of TBI include poor memory; reduced concentration capacity; reduced ability to process different streams of information; poor initiation and planning; lack of self-monitoring; decreased awareness of one's own or others' emotional state; and particularly, poor social judgments. This can contribute to behavioural problems, such as conduct disorder, attention problems, increased aggression, and impulse control problems, and mental health problems like anxiety and depression. Perhaps not surprisingly therefore it is associated with earlier onset, more serious, and more frequent offending and those with TBI typically present with especially complex needs and can be particularly challenging to manage. The Centre for Mental Health has estimated that a traumatic brain injury increases the likelihood of crime by at least 50%.[31] Substance misuse issues are more highly prevalent in prisoners with a TBI history, sometimes linked to self-medicating, and its presence can limit an individual's capacity to manage such issues.[32] The transitional milestones mentioned in paragraph 12 tend to be more difficult to negotiate for those with neuro-disabilities, hence prolonging their involvement in the system.[33]

17. Neuro-disabilities are distinct from mental disorders or psychiatric illnesses or diseases which appear primarily as abnormalities of thought, feeling or behaviour, producing either distress or impairment of function, although they may co-exist. The prevalence of these disorders is also thought to be high in young adults and there is some overlap in how they manifest themselves behaviourally. The Royal College of Psychiatrists identified the most common mental disorder in childhood as conduct disorder which affects the processing power of the brain and is strongly associated with offending behaviour; rates can be as high as 80-90% in young offenders' institutions.[34] In addition, although the prevalence of speech, language and communication needs among young adults in the criminal justice system is unknown, it is reasonable to conclude this is high as these affect over 60% of those under 18. People with such needs experience problems with

30 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); British Psychological Society (YAO0037); UK Acquired Brain Injury Forum (YAO0001)

31 Parsonage, M., Traumatic Brain Injury and Offending: an economic analysis, July 2016, London: Centre for Mental Health

32 Check reference; Q7 [Dr Chitsabesan]; Q480 [Professor Williams]

33 Q5 [Dr Hughes]

34 Royal College of Psychiatrists (YAO0033)

comprehension and expression, which are likely to affect their ability to understand the justice system, including compliance with statutory requirements, and to communicate their wishes and needs. [35]

Risk and vulnerability

18. Other adverse life circumstances can similarly impact on young adults' maturity and affect typical brain development. Durham Tees Valley CRC made the following observation about what may bring a young adult into the criminal justice system:

> […] too often the resulting behaviour of a long complex journey with several other contributing factors both internal and external to that person which if recognised or effectively addressed previously may have led to a very different outcome. This population have predominantly been exposed to chaotic lifestyles, complex histories, child abuse, violence or residential care, compounded in many instances by mental ill health and lack of maturity.[36]

One of the prisoners interviewed by Drs Gooch and Treadwell had told them that "everyone in prison has scars". Young adults involved in the criminal justice system have often themselves been victims of crime. Many have a history of being exposed to violence, including in the home, abuse, neglect, bereavement relating to the deaths of parents, siblings and other close relatives, and criminal behaviour by parents and siblings. These traumatic events have frequently occurred from a very young age and, as they remain young, the traumatic effects may be raw.[37] For example, Drs Gooch and Treadwell found that former looked after children frequently continued to struggle with family relationships, feelings of rejection and abandonment, and the loss of family members into their early twenties.[38]

19. Professor Williams explained that the effect of trauma in childhood and adolescence compounds issues with maturation as those affected experience heightened levels of flight or fight reactions, and hence increased chances of risk-taking behaviour.[39] Drs Gooch and Treadwell found in their research that some prisoners saw violence, self-harm and arson as ways of managing their personal distress and anxiety.[40] Lord Harris concluded that by virtue of their age, life experiences and the nature of prison, "all young adults in custody are vulnerable"[41], a view that was supported widely by our witnesses.[42]

20. On the other hand, as we identified in paragraph 7 above, young adults can commit some very serious offences. They can also be highly challenging for those who work in the criminal justice system to manage, which can be attributed partly to their lack of maturity as illustrated by Dr Gooch:

35 Q19 [Dr Delmage]; British Psychological Society (YAO0037); Royal College of Speech and Language Therapists (YAO0024)
36 YAO0045
37 Q156 [Lord McNally]; Q166 [Ms Hinnigan]; Q343 [Mr Greenhalgh]; Q480 [Mr Rutherford]; University of Birmingham (YAO0028); Q467 [Professor Williams]
38 University of Birmingham (YAO0028)
39 Q480 Professor Williams
40 University of Birmingham (YAO0028)
41 The Harris Review, p9
42 St Giles Trust (YAO0009); Spark Inside (YAO0060); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Prison Reform Trust (YAO0017); NACRO (YAO0021); Inquest (YAO0035); Criminal Justice Alliance (YAO0026);

> […] In our research about the way young people behave when they transition, we found that some are very vulnerable at the point of coming into a young adult YOI, where they perhaps look very green and naive and may be at greater risk of victimisation. On the flipside, it is interesting that some of those who have been in a juvenile YOI have quite a lot of custodial experience when they come into a young adult young offender's institution. There is a degree of sophistication in their behaviour, so they are perhaps more likely to engage in violence and bullying and may come into conflict with staff more. However, they lack real maturity in their thinking and behaviour, which can make them quite a challenging group to respond to in custody.[43]

Other needs and characteristics of young adults in the criminal justice system

21. T2A noted the importance of acknowledging the additional distinct needs of young adult women, BAME young adults and care leavers. The Young Review, chaired by Baroness Young of Hornsey, examined policy and practice for black and minority ethnic (BAME) people in the criminal justice system and established that over-representation is particularly high for those aged 18 to 24. Baroness Young emphasised the importance of acknowledging the diversity of experiences of young people categorised as BAME and of criminal justice agencies becoming more consistent in data collection regarding faith and ethnicity to facilitate more culturally specific treatment.[44] Maslaha, an organisation which seeks to tackle long-standing issues affecting Muslim communities, identified that Muslims exceed all other faith groups in levels of unemployment, economic inactivity, ill health, educational underachievement, and poor housing conditions.[45]

22. Nearly half of young men and two thirds of young women in custody aged between 16 and 21 have recently been in statutory care.[46] Some witnesses, including T2A, identified that those leaving care face particularly acute challenges in desisting from offending and making an effective transition to adulthood.[47] NOMS noted that some young care leavers are entitled to additional support from local authorities that can help address these problems and which should be reflected in their sentence plans.[48] Much of the research that has been done on young adults involved in crime has been with males, resulting in a lack of research on differences between young women and young men.[49] Dr Delmage had found in his practice that males tend to externalise their trauma, through violence, aggression and verbal threats, whereas females are more likely to internalise distress.[50] Psycho-social maturity is quicker to develop in females, according to NOMS guidance.[51]

43 Q198
44 Q128
45 Maslaha (YAO0034)
46 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
47 Ibid.; Ministry of Justice (YAO0018); University of Birmingham (YAO0028)
48 Q105. See also National Offender Management Service (2013) Practice Guidance: Working with Care Leavers (18-25), in custody and the community, to reduce reoffending and promote effective transition to adulthood, London: NOMS.
49 Q14 [Professor Bottoms; Dr Hughes; Dr Delmage]
50 Q14
51 Ministry of Justice (YAO0018)

Implications for the criminal justice system

23. The developmental status of young adults in the criminal justice system has important implications for practice. Dr Delmage, consultant adolescent forensic psychiatrist, explained to us that as the brain is a plastic organ it can heal to an extent up to the age of 25 if taken out of "aversive circumstances" which can cause brain changes, for example, separation from family and friends and exposure to punitive conditions.[52] While the brain is continuing to develop there is a risk that problems will be compounded by involvement in the criminal justice system itself, or developmentally inappropriate interventions provided by its agencies, and that opportunities will be missed to repair in a timely manner the developmental harm caused by brain injury or other forms of trauma identified in paragraphs 18 and 19.

24. **In our view there is a strong case for a distinct approach to the treatment of young adults in the criminal justice system. Young adults are still developing neurologically up to the age of 25 and have a high prevalence of atypical brain development. These both impact on criminal behaviour and have implications for the appropriate treatment of young adults by the criminal justice system as they are more challenging to manage, harder to engage, and tend to have poorer outcomes. For young adults with neuro-disabilities maturity may be significantly hindered or delayed. Dealing effectively with young adults while the brain is still developing is crucial for them in making successful transitions to a crime-free adulthood. They typically commit a high volume of crimes and have high rates of re-offending and breach, yet they are the most likely age group to stop offending as they 'grow out of crime'. Flawed interventions that do not recognise young adults' maturity can slow desistance and extend the period of involvement in the system.**

52 Q6; Royal College of Psychiatrists (YAO0033)

2 Current approaches towards young adults in the criminal justice system

The Ministry of Justice and National Offender Management Service's approach

25. The MoJ and NOMS have each accepted the evidence that young adults mature up to their mid-20s; Andrew Selous MP, then Parliamentary Under-Secretary of State for Prisons and Probation, acknowledged to us in April 2016 that many young adults have quite severe levels of immaturity.[53] We consider in this chapter how fully policies and practices reflect this.

26. As we noted in paragraph 5, NOMS does not readily identify young adults as 18-to-24 year olds.[54] NOMS' guidance to prisons and probation services on the treatment of young adults distinguishes between the differing needs of young adult men and young adult women underpinned by the concept of emotional and social maturity. In Better Outcomes for Young Adult Men NOMS states that although the law defines young adults as aged 18 to 20, it should be noted that:

> […] as young adult men continue to mature into their mid-twenties, the commissioning principles articulated are likely to apply to, and therefore make a difference to, many adults over 20 and particularly those aged under 25. These principles concern young adult men only. Women mature at a different rate and manifest maturity in different ways to men.[55]

With regards to its guidance on the maturity of women, NOMS acknowledges that, similar to males, the parts of the brain associated with impulse control, and regulation and interpretation of emotions, are the last to mature, and continue to develop well into adulthood. It also identifies gender differences in the expression of antisocial behaviour among maturing boys and girls: girls tend to display less physical aggression but more relational forms of aggression, such as ostracism of peers, non-physical bullying, and manipulation, than do boys.

27. The MoJ in its written evidence asserted that consideration of brain development was particularly applicable to young adult males and that the needs of young adults were akin to older prisoners in several respects, but did not point to evidence of how the needs of those age 21 to 25 could be distinguished from them.[56] We sought better to understand whether young adults were more like under 18s than over 21s or over 25s. Data available from the Ministry and NOMS did not assist us in this matter as there is no consistency in how ages are broken down in various statistics; young adults over the age of 18, and/or 21 are frequently aggregated with older offenders. We asked for clarification on this from Mr Selous who agreed to share with us further data. He later said that the Ministry would publish these data in July 2016 but disappointingly it did not do so.[57] These data will now be published on 28 October 2016.

53 Q416 [Andrew Selous MP, then Parliamentary Under-Secretary of State for Prisons and Probation]
54 Q189
55 National Offender Management Service, Better Outcomes for Young Adult Men, August 2015, London: NOMS.
56 Ministry of Justice (YAO0018); See also Qq180-181 [Mr Pascoe]
57 YAO0064

28. Mr Spurr explained that NOMS' guidance and its segmentation of data on young adults focused primarily on 18 to 20 year olds because they are "a defined group that we manage according to sentence" and Mr Selous similarly emphasised the legal status of this cohort.[58] On the other hand, neither of them acknowledged that the legislation applied only to prison sentences. Both recognised that maturity comes with age, to some degree, and emphasised the relevance of guidance on young people up to their mid-20s. Baroness Young highlighted a lack of data on BAME young adult offenders, including important differences between communities that fall within this group.[59]

Governance

29. Departmental governance arrangements split responsibility for policy on young adults between the MoJ and NOMS. A team within the MoJ's Criminal Justice Policy Group oversees strategy for young adults, as well as for other key groups including older offenders and female offenders. Within NOMS a Deputy Director of Custody for Young People is responsible for ensuring operationally that the needs of young adults aged 18 to 21 are considered in the custodial estate and there is an equivalent lead within the National Probation Service. The latter post has a wider range of portfolios but each of them is additionally responsible for young people under the age of 18. Young adults constitute a significant portion of NOMS' caseloads, making up 20 per cent of the prison population and 25 per cent of National Probation Service (NPS) cases.[60]

30. Under the Transforming Rehabilitation reforms implemented by the previous Government the majority of young adults who are on probation are supervised by Community Rehabilitation Companies (CRCs). Therefore, while there is a nominal lead within the NPS, it is for each CRC to decide how best to manage young adults under their supervision. Mr Allars, then NOMS Director of Probation, acknowledged that progress on approaches for young adults, in particular work between probation services with youth offending teams, had been hindered by the major restructuring to implement the reforms.[61]

31. Our inquiry has taken place in the context of significant zeal for prison reform under the previous Secretary of State, Rt Hon Michael Gove MP, who commissioned several independent reviews of elements of MoJ practices. The Government accepted the recommendations of Dame Sally Coates' review of prison education and the interim findings of Charlie Taylor's review of youth justice. On the other hand, the report of an independent review of self-inflicted deaths in custody of 18 to 24 year olds chaired by Lord Harris of Haringey commenced by the previous Government did not attract such a positive reaction from Mr Gove. The new incoming Secretary of State for Justice, Rt Hon Elizabeth Truss MP, has told us of her intention to publish a prison safety and reform plan in due course, without giving the details.[62] We discuss this further later in this chapter and the implications for governance arrangements and strategy in more detail in chapter 3.

32. **We consider that existing governance arrangements are unsatisfactory as they fail to take account both of the distinct needs of young adults up to the age of 25 and of the importance of understanding the level of maturity of all young adults to treat them**

58 Q418 [Mr Spurr] Q419 [Mr Selous]
59 Q128
60 Q373 [Mr Hillas]; Q193 [Mr Pascoe]
61 Q53
62 HC 620

effectively in recognition of their individual circumstances. There is no clearly defined strategy and the various age definitions applied by the Ministry of Justice are both confusing and do not inspire the coherent approach that young adults require if they are to engage effectively in their rehabilitation.

Legislative provision: young adult specific sentences

33. There is currently no system-wide statutory provision to differentiate the treatment of young adults in the criminal justice system from that of older adults, although there are some legislative provisions. The specific community disposal for those aged 18 to 25 is the attendance centre, of which there are approximately 42 in England and Wales, managed by ten Community Rehabilitation Companies. These deliver activities and instruction designed to strengthen factors which promote desistance from crime, including social, education and life-skills training to increase employability, maintaining physical and mental health, how to have successful relationships and dealing effectively with high risk situations. While such centres have existed for many years—with the related order (now requirement) being introduced by the Criminal Justice Act 1948 and originally available for young offenders aged up to 21 years old, later extended to up to 25 year olds—they are infrequently and inconsistently used and the MoJ is not aware of any research assessing their effectiveness.[63]

34. Historically there have been distinct custodial institutions for 18 to 20 year olds, and legislative provision for a sentence of detention in a young offenders' institution continues to reflect this, but recently practice has diverged. Young adults are currently held in 65 prison establishments, in a mixture of facilities: five are dedicated to 18 to 20 year olds, others hold 18 to 24 year olds, and the remainder are integrated with adults.[64] Nick Pascoe, then NOMS Deputy Director of Custody of Young People, estimated that 65% of young adults under 21 were held in the latter, which NOMS believed was a better strategy.[65] There are no dedicated facilities for young adult women, who are all held alongside adults.

35. As we identified in our report on Prison Safety, deterioration of standards has been widespread across the prison estate.[66] Nevertheless, the young adult custodial estate has been the subject of several particularly poor inspections.[67] Young adults feature highly in prison statistics on violence, adjudications and use of force, and BAME young men are over-represented within these statistics.[68] Young adults tend to spend more time than other prisoners locked in their cells and as a result have tended to have poorer outcomes in relation to access to purposeful activity like education and training.[69]

36. HM Inspectorate of Prisons has found that there has typically been little or no action to understand or address these issues, and manage actively this population, with evidence of inconsistent treatment and no evidence of any coherent strategy. For example, very few adult prisons that currently hold young adults have a distinct approach to their

63 Ministry of Justice (YAO0018); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Q362 [Ms Strong]

64 When those aged under 21 are held with older adults, they do not share cells. In some institutions they are held in distinct units, but the majority mix. Q420 [Mr Selous]

65 Qq183-185

66 House of Commons Justice Committee, Prison safety, Sixth Report of Session 2015–16, HC 625

67 HM Inspectorate Of Prisons (YAO0032)

68 Adjudication outcomes 2014; Assaults on staff by age December 2015; Ministry of Justice (YAO0018); HM Inspectorate Of Prisons (YAO0032); Zahid Mubarek Trust (YAO0042)

69 HM Inspectorate Of Prisons (YAO0032)

management; there is a lack of specific training, dedicated interventions and additional resources.[70] Our own analysis of HM Inspectorate of Prisons' reports showed that around a third of the mixed age institutions appeared to have a dedicated approach to dealing with the young adult prisoners they hold.

37. Successive Governments have proposed abolishing the distinct sentence of detention in a young offender institution and the previous Government issued a consultation in November 2013. The decision was postponed pending the findings of the Harris Review of the deaths of young adults in custody and the current Government has not yet clarified their position, assigning it under the previous Secretary of State as a matter to be determined within the wider context of its programme of prison reform. We examine the merits of this sentence further in chapter 3.

38. Max Rutherford of T2A was critical of what he characterised as "policy erosion" around young adults with regards to detention in a young offender institution.[71] Despite the absence of a decision on the future of the sentence, the reduction of specialist establishments appears to have become de facto policy, associated with the decline in the number of young people in custody. We were told in early February that there were five young offender institutions for young adults. The following month we asked the then Secretary of State about the Government's plans for changing the role of one of these institutions, HMYOI Glen Parva.[72] In a letter responding to this he stated that:

> The number of young adults in custody has fallen by 40% since 2010 while the adult population has increased by around 10%. This has caused Glen Parva to operate with a significant number of unfilled places at the same time that pressure has grown to provide more places for adult prisoners. This is clearly not a sustainable position and we had three options to manage it: close Glen Parva altogether and move the young offenders further from home, change Glen Parva into an adult prison or retain the young offenders in Glen Parva and fill the empty places with adult prisoners. After careful consideration we chose the third option because it provides the best outcome for the management of both adults and young offenders and it is the way that we already operate successfully in a number of former young offender institutions.
>
> […] For your further information, I would like to assure you that it is established NOMS policy that young adults held alongside adults in prisons such as Glen Parva are always accommodated in separate cells from adult prisoners.[73]

39. We note that the options considered for HM YOI Glen Parva did not include the option of extending the age range of the establishment, say to 25 or 30. It is not clear what further consideration is being given by the Ministry to custodial provision for young adults, or whether there are plans to change the remaining dedicated YOIs to mixed establishments. Mr Gove's statement regarding the policy on cell-sharing illustrates that while there are

70 Ibid.; See also Q194 [Mr Pascoe]
71 Q474
72 Q183 [Mr Pascoe]; Justice Committee Oral evidence: Prison reform, HC 859, 16 March 2016, Q29; See also Qq 436-437; 448-449
73 Letter dated 24 March 2016 from Rt Hon Michael Gove MP, then Secretary of State for Justice, to Alberto Costa MP

few legal requirements necessitating differential treatment of 18 to 20 year olds under the prison rules and the Prison Act 1952, NOMS can mandate specific approaches if it chooses to do so. When we questioned Mr Selous further about this policy he emphasised that holding young adults in many different establishments enables proximity to family.[74] Nevertheless, he also admitted that the policy was partly because of capacity management issues as dedicated young offender institutions are under-used.[75]

Guidance

40. In the absence of legislation or defined strategy, NOMS is reliant on the justice services it commissions to operate in accordance with its guidance on the treatment of young adults. In addition to identifying differences in need related to age which we set out in chapter 1, NOMS' guidance assembles evidence on how best to support young adult men and women, including proposed gender differences in effective interventions. NOMS guidance *Better Outcomes for Young Adult Men* summarised its guiding principles for evidence-based commissioning for this cohort as follows:

74 Q431
75 Qq437, 448-449

Achieving Better Outcomes for Young Adult Men – Community & Custody

Challenges

Compared with older adults, young adult men are:

- Still Maturing
- More challenging to manage and harder to engage
- More likely to reoffend
- More likely to serve sentences for violent or acquisitive offences and more likely be involved in robbery or low level drug dealing
- Have poorer outcomes (particularly in prison). They are:
  - over-represented in fights
  - more likely to be victims of assault
  - more likely to self-harm

Six priority needs

We should support them to:

1. Develop a stable, pro-social identity
2. Build resistance to peer influence
3. Develop self-sufficiency and independence
4. Build skills to manage emotions and impulses
5. Increase future orientation:
   - who they would like to be
   - how they might get there
   - what their lives could be in years to come
6. Strengthen bonds with family and other close relationships

How we can help

Staff should prioritise:

- Structured programmes that enhance thinking skills and emotional regulation, such as cognitive skills and anger management
- Re-entry schemes that provide extra support and structure during the transition from prison to community
- Interventions designed to strengthen family bonds
- Stress management interventions like relaxation or mindfulness
- Education
- Employment training and help to find employment
- Activities that build independence, a positive identity, self-sufficiency and responsibility, such as voluntary work, peer support or restorative / reparative activity

Staff who are trained to understand immaturity, and who can relate to young adults using skills that include:

- Coaching in goal setting and problem solving
- Conversations that emphasise future orientation
- Use of reward and reinforcement
- Explicit recognition of independence and other positive attributes rather than communicating negative expectations and labels

41. When we discussed this with Mr Selous, he emphasised the particular need of young adults to develop the qualities of temperance, perspective and responsibility, including cognitive skills and anger management, as well as training with integrated basic skills leading to employment in real jobs.[76] He also recognised that one specific element of a distinct approach to young adults involved the engagement of family and other supportive relationships. He described family as "the most effective resettlement agency" in an endorsement of the view expressed by Nick Hardwick, the previous HM Chief Inspector of Prisons. [77]

42. With regard to young adult women, NOMS guidance suggests that it is particularly important to promote the development of a positive identity, to provide an encouraging influence on their development, and to help them become more self-sufficient and less reliant on others. Additionally, they should explicitly recognise and reinforce positive attributes of women's characters. T2A has identified that the needs of young women leaving custody have been largely ignored. They attribute this to the fact that they make up a small proportion of the custodial population—in which young adult women are mixed with older women—and that they usually offend less frequently and less seriously than young males.[78] The Ministry of Justice placed emphasis in its evidence on brain development in young men, yet as we heard from Professor Williams, the evidence on maturation and brain development in young adulthood applies across gender, although women typically mature more quickly.[79]

43. The NOMS guidance only goes as far as encouraging prisons and probation services to treat younger adults differently. It is for individual prison governors and probation providers to adopt these approaches. We also heard that there is a need for stronger evidence both of the nature of young adults within the system and of how to deal effectively with this cohort.[80] Colin Allars admitted that NOMS did not have a full understanding of this.[81] Some witnesses felt that there was an over-emphasis placed by criminal justice practitioners on managing risk which resulted in them overlooking developmental and other vulnerabilities and highlighted policies related to discipline and behaviour which did not reflect their developmental status and which NOMS instructions on these processes does not explicitly reflect. We discuss this further in chapter 3.

44. **In their policies and their guidance, the Ministry of Justice and NOMS do not appear to give sufficient weight to the implications of brain maturation for young adult men and women aged 21 to 25. Even for those aged 18 to 20 they lack a strategic differentiation in approach, particularly in prisons, for both male and female prisoners.**

Training

45. Prisons and probation services often find young adults harder to engage than older adults, which can be due to maturity levels or disabilities causing difficulties building

76 Qq416, 421
77 Q421
78 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
79 Q479
80 See for example Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Ministry of Justice (YAO0018); Q333 [Mr Greenhalgh]
81 Q56

trusting and effective relationships.[82] Some witnesses emphasised the importance of criminal justice practitioners understanding the behaviours that may be displayed by young adults and the reasons for them.[83] NOMS reflects this in its guidance in which it advocates that staff should be trained to understand maturity and suggests that skilled practitioners can help young adults by: coaching in goal setting and problem solving; conversations that emphasise future orientation; use of reward and reinforcement; and explicit recognition of independence and other positive attributes rather than communicating negative expectations and labels.[84]

46. Some of our witnesses assessed the extent and quality of training for practitioners.[85] There is no distinctive element of prison officer training dealing with understanding or handling young adults, either in dedicated institutions or mixed ones.[86] Specific staff training regarding the needs of young adults would be up to individual prison governors to commission. For example, some governors have provided training in conflict management and others have involved young adults themselves in training.[87] Colin Allars, then Director of the National Probation Service, believed that maturity was well understood as a concept amongst probation practitioners. Nevertheless, the NPS was seeking to bolster its expertise, including by better utilising staff who had been working in youth offending teams. [88] It is for each CRC to determine whether it will develop dedicated provision for young adults and train their staff accordingly. We examine some examples in chapter 3.

47. Others emphasised the need for those working in courts, prisons and probation services to have a more detailed understanding of religion and culture and its impact on development and identity. Baroness Young of Hornsey had found that staff in prisons and probation services lacked "cultural competency", although in its work with her to implement the recommendations of her review she said that NOMS had been supportive of improving equalities, including by recruiting and progressing BAME staff.[89]

48. Baroness Young and other witnesses identified during their research for the review and for T2A several instances of unsatisfactory treatment of race, culture and religion. For example, Mr Crook from Black Training and Enterprise Group (BTEG) felt the system displayed bias in its treatment of BAME and Muslim youths:

> From our point of view, the stereotypes of the young black male gang association and the young Muslim male extremism association become quite prevalent and all too often colour and taint the way people are dealt with in the criminal justice system. Research shows that a large number of

82 Transition to Adulthood, Taking Account of Maturity: a guide for probation practitioners, endorsed by the Ministry of Justice (YAO0018)

83 Q10 [Dr Hughes];Royal College of Psychiatrists (YAO0033); British Psychological Society (YAO0037); Professor Huw Williams (YAO0062)

84 National Offender Management Service, Better Outcomes for Young Adult Men, August 2015, London: NOMS; National Offender Management Service, Better Outcomes for Women Offenders, September 2015, London: NOMS.

85 The Zahid Mubarek Trust (YAO0042)

86 Q194 [Mr Pascoe]

87 Ibid.

88 Q39 [Mr Allars]

89 Q102 [Baroness Young; Mr Crook]

> young black men who are in contact with and are charged by the police are not in gangs at all. The assumption is that they are in gangs, but they are not on any gang register that the police hold.[90]

Raheel Mohammed of Maslaha had found examples of "casual racist banter" in prisons and YOIs.[91] He emphasised the importance of criminal justice professionals having "no squeamishness about difference in culture or religion", a philosophy which in his view was less well developed in the criminal justice system than in the health sector. For example, this would include recognition of the differences between being a Somali man in Ladbroke Grove, as compared with a Pakistani man in Birmingham and of the role and value of religion in providing a "real anchor and level of support" for young Muslim men, rather than it being seen as undesirable by criminal justice professionals.[92] When we put this to Mr Pascoe he acknowledged Muslim prisoners' perceptions but felt that NOMS made a significant effort to ensure decent treatment and respect for religion and cultural needs, which he felt may take time to have a significant impact.[93] NOMS Equality Strategy states their intention to develop "more inclusive environment(s) that improve the legitimacy of regimes, services and rehabilitative interventions, recognising that BAME prisoners report significantly poorer responses than non BAME prisoners regarding their treatment by staff.[94]

Screening and assessment of maturity, risk and needs

49. Some of our witnesses gave their views on the adequacy of existing screening and assessment in enabling criminal justice practitioners to factor maturity into their decision making. A guide to maturity for probation practitioners devised by T2A, which builds on the OASys assessment, had been widely used and endorsed by NOMS in its guidance.[95] Several witnesses highlighted a lack of systematic assessment of maturity.[96] Nevertheless, Angela Cossins of the National Probation Service explained that despite there currently being no specific assessment tool, consideration of maturity is an established part of probation practice in making reports to court.[97] Some CRCs have developed or commissioned their own tools.[98] Particular concerns were raised that criminal justice agencies were not identifying neuro-disabilities, neurological deficits, mental disorders, or language and learning difficulties, either through screening or professional assessment.[99] We heard that under-diagnosis of neuro-disabilities might be because individuals did not meet the clinical threshold of a specific condition or because diagnoses are complicated by the co-existence of a range of conditions.

90 Q109
91 Q143
92 Qq121, 149. See also Q212 [Dr Gooch]
93 Qq211, 220
94 National Offender Management Service (YAO0061)
95 Q353 [Mr Hillas]
96 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); British Psychological Society (YAO0037); Professor Huw Williams (YAO0062)
97 Q472
98 GMC CRC (YAO0051); Durham Tees Valley CRC (YAO0045); DLNR CRC/ The Yap! (YAO0011)
99 Qq15-17 [Dr Chitsabesan; Professor Bottoms]; Q138 [Baroness Young]; UKABIF (YAO0001), Barrow Cadbury Trust/ Transition to Adulthood (T2A) Alliance (YAO0010), Dr Nathan Hughes (YAO0015), Royal College of Speech and Language Therapists (YAO0024), British Psychological Society (YAO0037), Headway (YAO0041); Professor Huw Williams (YAO0062)

50. In recognition of the need for further information, NOMS is testing the reliability and validity of a screening tool for psycho-social maturity, the development and implementation of which has been delayed due to difficulties in collecting the necessary data when prisons were facing other pressures; NOMS initially planned to roll it out from autumn 2016 if it proved reliable. We understand it is still undergoing academic quality assurance and although it has been developed and tested in prisons, it is also applicable to community settings.[100] MoJ stated that the tool will help to better tailor services and interventions for young adults, yet importantly, due to resource constraints it is based on existing needs assessments and does not include consideration of neuro-disabilities.[101] It is not clear whether NOMS is developing an equivalent approach for people who receive non-custodial sentences. We consider in more detail the advice about maturity provided to prosecutors and courts later in this chapter.

51. We heard from several witnesses, including Dr Chitsabesan, that there is a tendency for existing needs assessments to focus on the external behaviour of young adults rather than its underlying causes.[102] Professor Sir Anthony Bottoms highlighted the complexities of differentiating between vulnerability and risk, cautioning that vulnerability is not 'unidimensional' so that significant immaturity can be seen alongside sophisticated offending behaviour.[103] Baroness Young among others saw existing assessments as limited, characterising them as "tick-box" exercises rather than seeking to understand an individual as a "human being".[104]

52. **The majority of our evidence recognises that there is an emerging interest in criminal justice agencies in treating young adults more appropriately, but argues that for the most part this has not been Government driven. There is little specific policy or legislation from the Ministry of Justice focused on this age group: most youth and adult justice policy and legislation is split on the basis of chronological age at 18. Coupled with inconsistent application of the definition of young adults in operational practice, this has created a system in which the distinct needs of young adults and the potential to assist them in turning away from crime are largely overlooked and at best treated inconsistently. In the absence of policy change the National Offender Management Service has focused on the promotion of guidance for practitioners and commissioners and emphasised training by individual prison establishments and by CRCs.**

53. **We welcome the Ministry of Justice's commitment to develop a maturity assessment. The absence within this of screening for mental disorders, neuro-disabilities and learning and communication needs has resulted in a missed opportunity to develop a comprehensive assessment. This is short-sighted as such screening would enable a thorough understanding of individual needs and underpin better informed commissioning decisions for the services young adults need to address their offending. Our evidence suggests that the equivalent tool used in the youth justice system could be adapted easily, and indeed is already being used informally in young adult YOIs.**

100 Ministry of Justice (YAO00064); Ministry of Justice (YAO0018)
101 Ministry of Justice (YAO0018); Ministry of Justice (YAO00064)
102 Q16 [Dr Chitsabesan]; UKABIF (YAO0001)
103 Q7
104 Qq136, 138 [Baroness Young]

The custodial estate

54. The number of young adults in custody has been falling, including as a consequence of there being fewer young offenders entering the criminal justice system and being sentenced to custody. Those that remain in the custodial estate have become more challenging to manage in several respects and their outcomes tend to be poor.[105] Of particular concern is levels of self-inflicted deaths and levels of violence.

Self-inflicted deaths

55. Lord Harris of Haringey's report on his inquiry on self-inflicted deaths made 108 recommendations for reform. His conclusions were stark; he said that "all young adults in custody are vulnerable" and that the separation of young people from their families and support networks exacerbates these vulnerabilities. He described the experience of being in prison as "particularly damaging" to developing young adults and characterised prisons and YOIs as "grim environments, bleak and demoralising to the spirit".[106] He also felt that it was "significant" that "failure [by the state to protect young people in prison custody] is made all the greater because the same criticisms have occurred time and again. Lessons have not been learned, and not enough has been done to bring about substantive change […] many of the core issues and problems have been identified over the last 10, 15 or 20 years."[107]

56. Many of our witnesses agreed with his characterisation of the vulnerability of young people in custody.[108] The Royal College of Psychiatrists emphasised that the environment that young adult brains find themselves in has an impact on how they develop and separation from family and friends and exposure to punitive conditions can cause brain changes.[109] Lord Harris was deeply disappointed in the Government's response to his report telling us:

> "When you call them, the Government will say that they accepted the majority of our recommendations in their response and, yes, quite a number of them have the word "agreed" by them. But when you read the description of what "agreed" means, it sounds very much as though they have rather missed the point."
>
> " … there are a number of recommendations that they say have been agreed and are already adopted. The purpose of the recommendations was that we did not think that existing policies were working."[110]

In his latter point he was referring to Prison Service Instructions, which are numerous, and Lord Harris found they were neither adequately resourced nor monitored.[111] Examples of those recommendations which the Government said it had already implemented included those relating to engagement with families, safeguarding measures, and information

105 Q450 [Mr Selous]
106 The Harris Review, p4
107 Q63
108 British Association of Social Workers (YAO0044); Criminal Justice Alliance (YAO0026); Durham Tees Valley CRC (YAO0045); Headway (YAO0041); NACRO (YAO0021); Inquest (YAO0035); Northumbria, PCC (YAO0005); Prison Reform Trust (YAO0017)
109 Royal College of Psychiatrists (YAO0033); See also NACRO (YAO0021); Inquest (YAO0035)
110 Q57
111 Qq 57; 60

sharing. Our discussions with bereaved families, supported by Inquest, and with the family of a young man who was in custody at the time echoed Lord Harris's observations on the shortcomings in the care of vulnerable young prisoners, including limitations in the mental health support and care provided even to those who have been identified as especially vulnerable, including those subject to Assessment, Care in Custody and Teamwork (ACCT), a process which seeks to prevent self-harm and suicide.[112] Prisons and Communities Together (PACT) described ACCT as "more like a monitoring system than a support mechanism, with offenders supported until the next review, but no longer term or more in depth provision given."[113]

57. The Equality and Human Rights Commission (EHRC), which has a statutory duty to monitor and advise on equality and human rights enactments, conducted an inquiry into the non-natural deaths of adults with mental health conditions in detention, much of which was supportive of the findings and recommendations of the Harris Review.[114] The EHRC noted the obligations of the Government under Article 2 of the European Convention on Human Rights to protect individuals in state detention whose life is at risk, whether from the acts of others or from suicide, and under Article 14 to adopt an age appropriate approach to prisoners, to ensure they are not discriminated against, either directly or indirectly, on the basis of factors related to age.[115] Regarding NOMS' response to some of the systemic problems he had found Lord Harris observed:

> … I do not know how the senior management of NOMS can assure themselves—or indeed Ministers—that what they say should be happening is happening".[116] He explained "… They do not have structures in place to tell them what is going on. For example, they have no mechanism for knowing how many hours prisoners in a particular establishment are getting out of cell. If that prison is regularly in lockdown, they do not have the data. They do not have data centrally on how many safer cells are available in particular prisons … They do not know so how can they manage it?[117]

58. Lord Harris characterised NOMS' approach as "universally defensive" and he had the impression that they did not want to change existing practice regarding young adults.[118] In evidence to us the then Prisons Minister, Andrew Selous MP, welcomed the Harris Review, noting the Ministry's acceptance of the majority of its recommendations and pointing to improvements in safeguarding procedures and prison officer training.[119] Nevertheless, at the inquests of two recent deaths of young adults in HMYOI Glen Parva the Governor admitted that a lack of resources prevented staff from being able to adequately protect prisoners at risk of suicide and self-harm. One of the Government's arguments for not accepting the core recommendations of Lord Harris's report was that the incidence of self-inflicted deaths is higher for older prisoners.

112 See also Inquest (YAO0035); Prison Advice And Care Trust (YAO0027); A constituent of Robert Buckland MP (YAO0040)
113 Prison Advice And Care Trust (YAO0027)
114 Equality And Human Rights Commission (YAO0004)
115 Ibid.
116 Q60
117 Q72
118 Q85
119 Q425

Management of violence

59. Young men in prison are both the perpetrators and victims of violence. HMIP inspections have found that 27% of young adults integrated with older adults and 31% of those in dedicated YOIs reported having experienced victimisation.[120] There has been a sharp rise in adjudications used in prison as a disciplinary measure for violent incidents. For example, Mr Spurr attributed this to the smaller concentration of young adults now in custody being increasingly violent, problematic and spontaneous.[121] We have rehearsed in detail in our report Prison Safety the factors related to the increase in violence across the prison estate. With regard specifically to violence perpetrated by young adults in custody the representatives from NOMS emphasised links with age, new psychoactive substances (NPS) and gangs.[122] Dr Gooch observed a change in dynamics of victimisation in prisons over the last two or three years related to debts derived from illegally held mobile phones and NPS[123] Mr Pascoe said that issues "from the street" were imported into prison, particularly in establishments holding young men from large conurbations.[124]

60. Lord Harris told us that bullying was a factor in many of the self-inflicted death cases he examined.[125] The Zahid Mubarek Trust which works to address equalities in London prisons identified that within prison culture complaints between peers are not considered acceptable.[126] Drs Gooch and Treadwell similarly found bullying and victimisation to be so entrenched it was 'taken for granted' in prison life. Victimisation was often inextricably linked to the illicit prisoner economy, including trade in contraband—such as mobile telephone, cannabis and new psychoactive substances—and canteen items.[127] The operation of this economy can lead to physical violence, intimidation and threats, both to obtain goods and for failure to repay "debts". Debts can escalate rapidly as part of a culture of charging double initially as well as for non-payment; this did not appear to be recognised by prisoners or staff as harmful or exploitative. Drs Gooch and Treadwell also found a lack of interventions to reduce violence and victimisation, for example, to address victim empathy and tolerance of violence, and insufficient support for victims and perpetrators, who both often had poor social and communication skills.[128]

61. The effectiveness of efforts to manage gangs within the prison estate was another matter of particular concern, with several witnesses believing that there was insufficient awareness of gang dynamics and associations, even in London prisons, and issues with the identification of gang members, including possible stereotyping.[129] Lord Harris described NOMS as being "curiously blind" about gangs in prisons.[130] Nick Pascoe said that about 80% of London gang members, identified by Trident, are BAME.[131] However, we heard that gang membership can be difficult to verify. Baroness Young had spoken to young

120 HM Inspectorate Of Prisons (YAO0032)
121 Q454
122 Q455
123 Q206 [Dr Gooch]
124 Q203
125 Q89
126 The Zahid Mubarek Trust (YAO0042)
127 University of Birmingham (YAO0028);
128 Q222 [Dr Gooch]
129 Qq391-392 [Mr Kastner]
130 Q89
131 Q214

black men who felt there was a propensity to identify them as a gang if they were in a group, which was not necessarily applied to young white people.[132] BTEG explained the impact of this:

> Within local communities the concerns are that gang interventions may accentuate ethnic disproportionality within the CJS and research in Manchester has pointed to this as a possible conclusion comparing gang databases to other databases of agencies such YOTs and probation. Our worry is that such interventions invariably cast a wide net and may pull in young people on the periphery or not actually engaged in gang activity but on the basis of their ethnicity and where they live.[133]

Mat Ilic of Catch 22 explained the complexity of determining gang involvement: "[o]ne of the challenges is that there are official data telling you who may or may not be in what gang, but there is also the formal and informal stuff young people affiliate to—what they do and why they do it in custody".[134] Mr Pascoe emphasised the scale of the groups of Muslim prisoners that some prisons were managing which might influence their treatment in some circumstances. For example, in Feltham there were 150 attendees at Friday prayers.[135]

62. We heard that the management of gangs can have a detrimental effect on prison regimes. Prisoners at HMYOI Aylesbury told us during our visit that movement around the prison and access to purposeful activity was often restricted to reduce violence, including for the purposes of gang management. Mr Selous acknowledged that where there is violence NOMS' operational priority is necessarily safety, but this undermines prisons' ability to offer access to high quality, relevant education and purposeful work.[136] He told us that more guidance on gang issues was being provided to prisons and probation staff, computerised systems were being used to manage gangs, and a programme Identity Matters—targeted at those who have committed serious violence because of their links with a group or gang—had been piloted in YOIs by NOMS which he planned to extend.[137] In discussing the progress that NOMS had made with it strategic approach to violence through its Violence Reduction Programme, which is due to finish at the end of 2016, Nick Pascoe emphasised improvements in tools for monitoring and targeting violence, developments in prisons design, and better engagement with the CPS and the police on victim statements to court to support prosecutions for serious acts of violence.[138]

63. Some witnesses identified prison policies to manage behaviour, including to address violence, which they regarded as inappropriate to the developmental status of young adults and recommended they be reviewed. This included the prison disciplinary system and the

132 Q108; See also Q109 [Mr Crook]
133 BTEG (Black Training & Enterprise Group) (YAO0031)
134 Q413
135 Q211
136 Q421 [Mr Selous].
137 Q422 [Mr Selous]
138 Qq204, 209, 210

Incentives and Earned Privileges (IEP) scheme.[139] The latter was seen as too inflexible because developmentally young adults respond more positively to immediate rewards than to punishment. Drs Gooch and Treadwell highlighted its limitations:

> Punishment alone is an ineffective tool when seeking to engage this cohort in behavioural change or deter future acts of aggression. Segregating or placing then on an unengaging basic regime with long hours of limited activity does not deter them, nor does it address underlying attitudes.[140]

Young adults are particularly likely to be on the lowest level of the IEP scheme, and most unlikely to be on the enhanced level; the length of time it can take to get off the basic level does not provide a sufficient incentive to change behaviour, as they may feel that they have 'nothing to lose'. Restrictions to family visits under the scheme were seen as unduly punitive.[141] The Government is considering reforms to IEP as part of its wider approach to prison reform.

64. **The Government's current penal reform agenda indicates that significant structural changes are being considered, and indeed may be necessary financially. However, the lack of central decision making on young adults' policy and practice has not been addressed explicitly within their plans. The MoJ and NOMS have side-stepped the issue of the anomaly of dedicated prison sentences for 18 to 20 year olds by designating many institutions YOIs as well as prisons but has neither ensured that mixed establishments have strategies for dealing with young adults, nor addressed the distinct needs of 22 to 25 year olds, resulting in a lack of robust evidence. The evidence shows that young adult prisoners are disproportionately more likely to engage in, and experience prison violence, and that bullying and violence is an enduring and worsening problem both in YOIs and mixed institutions. Without more explicit recognition of this, cohort outcomes are likely to remain poor and the evidence base for developing policy and practice is unlikely significantly to improve.**

Purposeful activity

65. Another issue which particularly affects the management of young adults is access to purposeful activity. HM Inspectorate of Prisons noted that young adults were significantly less likely than older prisoners to report spending ten or more hours out of their cell on a weekday (6% vs. 17%), or to go on association more than five times a week (46% vs. 55%). Drs Gooch and Treadwell found in their research that there were often delays in allocating prisoners to activities; there were an insufficient number of activity places; courses were not always engaging; and, there was a tendency for more vulnerable prisoners to avoid confrontation by withdrawing from the regime.[142]

139 Royal College of Psychiatrists (YAO0033); University of Birmingham (YAO0028); The Howard League for Penal Reform (YAO0023); University of Birmingham (YAO0028); The Zahid Mubarek Trust (YAO0042); Q229 [Dr Gooch] See also The Harris Review, p41. IEP is a system where privileges, in addition to minimum entitlements, can be granted to prisoners or young offenders subject to their reaching and maintaining specified standards of conduct and performance. These can be removed if expected standards are not maintained. It is intended to encourage prisoners to behave responsibly, to participate in constructive activity, and to progress through the system

140 University of Birmingham (YAO0028)

141 Q229 [Dr Gooch]; Nepacs (unpublished); The Zahid Mubarek Trust (YAO0042)

142 University of Birmingham (YAO0028)

66. In examining the reasons for this we were presented with something of a circular argument. Evidence from HMIP suggests that in establishments where young adults were given enough purposeful activity to keep them occupied they behaved better.[143] However, the Inspectorate had found in Aylesbury that the response to violence was to maintain security by locking young adults in their cells for long periods, which restricted their access to activities and created tensions when they were unlocked. We heard ourselves from prisoners in HM YOI Aylesbury that this was the default response to violence and that this was a source of immense frustration for those seeking to use their time in prison actively, including to prepare for release. Drs Gooch and Treadwell found that a lack of available purposeful activity for young adults leads to boredom, and an increased risk of violent behaviour, bullying and drug abuse.[144] Lord Harris observed:

> In practice, it is clear that young adults in prison are not sufficiently engaged in purposeful activity and their time is not spent in a constructive and valuable way. Current restricted regimes do not even allow for the delivery of planned core day activities that might help with rehabilitation. Our evidence demonstrates that young adults do not have enough activities, such as education or work, which will enable them to live purposeful lives.[145]

Mr Pascoe acknowledged that NOMS' target for six hours of purposeful activity a day, and 10 hours out of cell was "quite a challenge" to deliver, partially attributing this to the behaviour of young adults and the capacity to engage.[146]

67. **The MOJ and NOMS accept the evidence that young adults mature up to their mid-20s, but their policies do not reflect this, especially in relation to 22 to 25 year olds. We welcome NOMS guidance which recognises that, by virtue of their developmental status and gender differences, young adults are likely to need managing in particular ways, but this has not translated systematically into practice. This is particularly the case in prisons, where we found no evidence of a strategy for the management of young adults, either in dedicated or mixed institutions. There is no routine screening and the prevalence of neuro-disabilities, mental disorder, and learning and communication needs is not known, resulting in inconsistent treatment, few dedicated approaches, a lack of sentence planning and, of utmost concern to us, very poor outcomes. We have major concerns about the time young adults are spending in their cells, the volume of disciplinary measures, and reoffending rates. While we understand the challenges of balancing responses to risks and needs, if the latter are not known and resources are not available to address them appropriately, practice weighs significantly on risk which is of little benefit to young adults who wish to give up crime, and indeed may compound their likelihood of remaining involved with the criminal justice system.**

68. **There is limited evidence on the interventions which work effectively to reduce offending by young adults. This is partially due to the fact that young adults have not been clearly defined by the Ministry of Justice or NOMS as a group warranting differential treatment. Neither have they actively sought to understand what interventions work best with this cohort. It is important that this is addressed urgently as misdirected interventions can serve to increase criminality in young adult offenders.**

143 HM Inspectorate Of Prisons (YAO0032)
144 University of Birmingham (YAO0028)
145 The Harris Review, p10
146 Q225

Crown Prosecution Service policy

69. The Crown Prosecution Service's (CPS) revisions to the Code of Conduct for Crown Prosecutors in 2012 included the addition of a consideration regarding the suspect's age or maturity as part of the public interest test in weighing up whether a prosecution should be brought. We discussed this with the Director of Public Prosecutions, Alison Saunders QC, in December 2015 and she explained to us that she felt it ought to be considered in cases where people were "extremely immature" in their behaviours.[147] On the basis of research on investigating prosecutors' knowledge of maturity the Criminal Justice Alliance concluded:

> Compelling prosecutors to take maturity into consideration has not meant they will do so consistently, similarly to the judiciary, as the concept itself is extremely complicated, with neurological, sociological and psychological aspects to it. Prosecutors remain uneasy with the topic and struggle to explain it when asked. Although some appreciate its intricacies a larger number conflate it to knowing the difference between right and wrong. Many don't have sufficient knowledge of what maturity is.[148]

70. Former Solicitor General, Vera Baird QC, now Northumbria Police and Crime Commissioner, did not believe that prosecutors had sufficient information on which to make assessments of maturity.[149] When we put this to Alison Saunders she did not disagree.[150] The reliance of the CPS in making their assessments on information provided by the police, local authorities, including education and social services, and defendants' legal representatives was noted by several witnesses.[151] The CPS acknowledged that it is not unusual for prosecutors to receive limited information from the police on a defendant's level of maturity unless they are considered also to be particularly vulnerable or have "significant learning cognitive behaviour mental health difficulties", although they are trained to request additional information and routinely do so.[152] On the other hand, as we discuss in chapter 1, our evidence indicates that cognitive deficits, learning and communication difficulties and mental illnesses which impact on maturity are under-diagnosed in young people involved in the criminal justice system so such issues may never come to the attention of the CPS.[153] Dr Delmage observed that he never gets requests regarding assessments of 'mens rea' i.e. whether the accused had the necessary mental state or degree of fault in committing the offence.[154]

147 Justice Committee Oral evidence: Work of the Crown Prosecution Service, HC 669, Tuesday 15 December 2015, Q131

148 YAO0026 See also Criminal Justice Alliance, Prosecuting Young Adults, August 2013

149 YAO0005

150 Justice Committee Oral evidence: Work of the Crown Prosecution Service, HC 669, Tuesday 15 December 2015, Qq131-144

151 Q308 [Mr Caplan QC]; Ministry of Justice (YAO0018); Criminal Justice Alliance (YAO0026); HC 669, Qq 137-139 [Alison Saunders QC]

152 YAO0018 [Ministry of Justice]

153 YAO0037

154 Q20; YAO0033 [Royal College of Psychiatrists];

71. The CPS monitors prosecutors' compliance with the Code, but has not conducted any specific evaluation of the impact of the maturity consideration, or whether prosecutors routinely have sufficient information to assess maturity.[155] The Director of Public Prosecutions told us she might consider such an evaluation.[156]

Sentencing policy

72. In addition to the two distinct sentences described in paragraphs 33 and 34, some steps have been taken to emphasise maturity as a consideration in the sentencing process. The Sentencing Council now includes "[a]ge and/or lack of maturity where it affects the responsibility of the offender" as a mitigating factor in its sentencing guidelines. In considering its application in sentencing decisions the court will be dependent on the information brought before it by either the National Probation Service or the defence in order to make a judgment. The Magistrates Association described to us how magistrates currently address this:

> Magistrates take into account any personal circumstances and vulnerabilities when sentencing, and where possible and appropriate, maturity is one such factor. Having maturity on the list of mitigating factors can be a reminder to take account of it, especially if the defendant shows signs of immaturity, so can make a difference to sentencing.[157]

With regard to the information provided to them about a young adult's maturity they noted that if it is raised as mitigation:

> … magistrates need sufficient information to be available to them in order to make a judgement. Magistrates can also engage with an individual before sentencing which can assist them in coming to a decision about maturity.[…] The factors which could help inform decisions on maturity include family background, educational history, information from relevant professionals, employment history and additional information from probation.[158]

73. As this evidence illustrates, in similarity with the situation for prosecutors, the level of information that is made available to sentencers will vary depending upon whether, and to what extent, the young person has previously been involved with the criminal justice system, what information is contained in a pre-sentence report (PSR)—produced orally or in writing by the National Probation Service to assist the sentencing court—medical reports requested by the court, and defence mitigation. Several of our witnesses questioned whether courts had access to the necessary information on which to sentence young adults on the basis of their maturity and other needs.[159] The British Psychological Society did not believe this could be the case given the level of undiagnosed learning disabilities and developmental disorders amongst young adults which we outlined in Chapter 2.[160] Similarly, with regard to clinical assessment for mental illness, the Royal College of Psychiatrists and Dr Delmage noted that few young adults are given thorough

155 YAO0018
156 HC 669, Q141
157 The Magistrates' Association (YAO0019)
158 Ibid.
159 See for example, Royal College of Psychiatrists (YAO0033); Criminal Justice Alliance (YAO0026); Royal College of Psychiatrists (YAO0033)
160 British Psychological Society (YAO0037)

mental health court reports due to funding restrictions.[161] The Chair of the Magistrates Association, Mr Malcolm Richardson, had conducted a straw poll with some colleagues and found that maturity had not regularly been raised with them in court.[162] He also acknowledged that magistrates had difficulty defining maturity, even with the intervention of advocates, noting that although there was now greater awareness by magistrates of mental health needs, there was limited training of magistrates operating in the adult court on maturity, communication difficulties, or acquired brain injury.[163]

74. In relation to pre-sentence reports (PSRs), although probation practitioners tasked with devising them are trained in completing assessments, including consideration of maturity, at the time we commenced our inquiry these assessments were not mandatory except where the young adult had drug or alcohol problems which are directly linked to the offence.[164] The MoJ explained that maturity assessments take time to complete and noted that the courts have to balance the benefit to be gained from allowing a longer adjournment to allow one to be completed, and whether the PSR will make any difference to the sentence, against the potential impact on the young person. The Sentencing Council assisted us in understanding the impact of the inclusion of age and/or lack of maturity in its guidelines by analysing crown court data on the operation of sentencing guidelines in 2014.[165] The Council compared the prevalence of the mitigating factor "age and/or lack of maturity affecting responsibility" in sentencing decisions made using the Sentencing Council's guidelines and "age" for offences sentenced using its predecessors' guidelines which have not yet been re-issued. The analysis indicates that these factors have been used differently. Across all sentencing decisions for all ages, "age" was taken into account in 25% of cases and "age and/or lack of maturity" in 9% of cases, but the proportion varied by offence type. The Council's likely explanation for this was that the latter factor was being interpreted as "age and lack of maturity". The Council also analysed how these factors were applied by age range. "Age and/or lack of maturity" was taken into account in 28% of cases of 18 to 21 year olds and 6% of 22 to 29 year olds, whereas "age" was applied in 59% of cases of 18 to 21 year olds and 6% of 22 to 29 year olds.

75. When we commenced our inquiry, NOMS' guidance on PSRs did not explicitly mention an assessment of maturity. In its written evidence NOMS undertook to revisit this and revised guidance has now been issued stating that PSRs completed on 18 to 24 year old offenders must include consideration of maturity.[166] Colin Allars confirmed that young adults receive a PSR in the overwhelming majority of cases.[167] Malcolm Richardson, Chair of the Magistrates' Association, welcomed the "framework and insight" that maturity assessments would provide to magistrates.[168]

76. **Current approaches to the treatment of young adults involved in the criminal justice system are not consistently developmentally appropriate. They do not sufficiently recognise the strong evidence on brain development, maturity, and the impact of cognitive impairments on how young adults experience the system. Neither do they seek to lessen the potentially detrimental effects of the system itself on development.**

161 Royal College of Psychiatrists (YAO0033); Q20 [Dr Delmage]
162 Qq292, 294 [Mr Richardson]
163 Qq293, 306 [Mr Richardson].
164 YAO0018
165 YAO0063 NB: These data are subject to a number of caveats detailed in the submission.
166 National Offender Management Service, Probation Instruction (04/2016) Determining Pre-Sentence Reports
167 YAO0056 [National Offender Management Service]
168 Q290

The system is therefore not as effective as it could be in reducing offending by young adults, or improving their life chances following their involvement within it, and in some cases their treatment further compounds the problem.

77. **We welcome the inclusion of considerations of maturity in the Crown Prosecutors' Code and Sentencing Council guidelines. However, it is not clear what impact these efforts to reflect the maturational development of young adults have had in practice. Neither CPS investigating prosecutors nor sentencers have a sufficiently sophisticated understanding of maturity to weigh up how it may affect young adults' culpability. In addition they do not routinely have the necessary information on which to make robust assessments about an individual's maturity and hence take account of this in their reasoned prosecution and sentencing decisions. It is likely therefore that maturity is only considered primarily in cases where there is extreme immaturity.**

The Youth Justice Board and youth offending teams' approaches and transitions between youth and adult system

78. Despite there being similarities in the needs of under 18s and young adults involved in the criminal justice system the policies and structures that apply to children vary greatly from those that apply to young adults. Much of this is determined by legal entitlements and rights. There is a requirement within the United Nations Convention on the Rights of the Child that children and adults will not be held together in custody, for example. Under the legislative framework for children who offend there are distinct governing principles, courts and sentencing regimes. The youth justice system is also better resourced, facilitating smaller caseloads and more intensive intervention from a range of agencies.

Transition from youth to adult systems

79. The transition between youth justice and adult criminal justice services can be especially challenging and some of our witnesses emphasised the significance of handling carefully these transitions.[169] Hannah Doughty said that young people likened the change in levels of support at the age of 18 to "dropping off a cliff".[170] For example, the YJB recognised that this was a period of particular importance due to the risk of losing any gains that had been made in the youth justice system.[171] Dr Gooch highlighted the sensitivities required in managing young adults effectively:

> In our research about the way young people behave when they transition, we found that some are very vulnerable at the point of coming into a young adult YOI, where they perhaps look very green and naive and may be at greater risk of victimisation. On the flipside, it is interesting that some of those who have been in a juvenile YOI have quite a lot of custodial experience when they come into a young adult young offenders institution. There is a degree of sophistication in their behaviour, so they are perhaps more likely

169 Addaction (YAO0003); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Prisoners' Education Trust (YAO0020); British Association of Social Workers (YAO0044); Youth Justice Board (YAO0007)

170 Q43

171 Q153 [Ms Hinnigan]; Q171 [Lord McNally]

> to engage in violence and bullying and may come into conflict with staff more. However, they lack real maturity in their thinking and behaviour, which can make them quite a challenging group to respond to in custody.[172]

80. One of the major issues is the disconnectedness between services which means information held by the youth offending team and other supporting agencies, including health, does not follow the offender to the new service.[173] Both Poppy Harrison of the YJB and Colin Allars of the NPS acknowledged to us that information sharing was a particular problem.[174] To help with this the YJB had recently developed a web-based tool, the Youth to Adult Portal (Y2A), which supports information sharing between YOTs and probation services as well as young adult YOIs.[175] The onus is placed on CRCs and NPS requesting information from YOTs and it was being used by 90% of services in January 2016.[176] Nevertheless, Colin Allars recognised that the portal was not the whole solution and that it was equally important for youth offending teams and probation services to interact effectively.[177] He, Ms Doughty and Ms Harrison agreed that relationships between youth offending and probation services were generally good and Angela Cossins felt confident that the right processes were in place, despite some glitches which the NPS sought quickly to address.[178]

81. The Transforming Rehabilitation reforms have prompted the refresh of the multi-agency partnership arrangements necessary to support effective transitions from youth to adult youth justice services. Guidance has been updated and new joint protocols for YOTs, National Probation Service (NPS) and Community Rehabilitation Companies (CRCs) have been devised both for England and Wales.[179] We heard that some youth offending services had very good transition arrangements, for example, in Liverpool cases are jointly managed by YOTs and probation for six to eight months.

82. On the other hand, some witnesses had found that structural changes to probation services under the Transforming Rehabilitation reforms had complicated the transition.[180] For example, Her Majesty's Inspectorate of Prisons reported that transition arrangements had deteriorated over the last couple of years.[181] Cornwall and the Isles of Scilly Youth Offending Service said it had "added an extra layer and more confusion", referring to the need for YOTs to work with two probation services: the NPS and CRC, as both are involved in the transfer in recognition of the increase in risk.[182] The data sharing issues identified above had also become more difficult in the experience of Durham Tees Valley CRC and the Mayor's Office of Policing and Crime (MOPAC).[183] Michael Spurr assured us that it had been a priority not to disrupt efforts to improve these transitions during the

172 Q198
173 Q174 [Lord McNally]
174 Q34 [Ms Harrison]; Q41 [Mr Allars]
175 Q174 [Ms Hinnigan]; Youth Justice Board (YAO0007)
176 Q174 [Ms Hinnigan]
177 Q43
178 Q483
179 Youth Justice Board (YAO0007); National Offender Management Service in Wales and Youth Justice Board, Youth to adult transition principles and guidance (Wales), undated; National Offender Management Service, National Probation Service and Youth Justice Board, Joint National Protocol for Transitions in England, 2015
180 Cornwall & Isles Of Scilly Youth Offending Service (YAO0025); Q373 [Mr Hillas]; Mayor's Office of Policing and Crime (YAO0038)
181 Q312 [Mr Estep]
182 Cornwall & Isles Of Scilly Youth Offending Service (YAO0025); Q174 [Ms Hinnigan]; See also Q43 [Ms Doughty]
183 Q373 [Mr Ripley]; Mayor's Office of Policing and Crime (YAO0038)

implementation of the Transforming Rehabilitation reforms.[184] Angela Cossins believed that the creation of NPS had enabled the development of a common framework for working with all youth offending teams.[185]

83. In recognition of the challenges of transition it has become established practice for there to be some flexibility for young people who reach the age of 18 to remain in the youth justice system to complete their sentence, rather than being transferred to adult prisons and probation services, if it is decided appropriate by the YJB and NPS based on the needs of the young person, their maturity and risk factors.[186] We requested statistics from the YJB on how many young adults were currently being handled in this way. They were unable to provide a direct count but as a proxy measure they told us that 6,503 young people were due to turn 18 before the end of their sentence in 2014/15. Approximately 10% of those held in the youth estate are 18.[187] Nevertheless, as we heard from the Association of Youth Offending Team Managers, this practice is resource dependent.[188] Andrew Hillas, one of the heads of young adult services at London CRC, told us that in-year reductions in youth justice funding appeared to be impacting on YOTs' readiness to retain young people over the age of 18:

> We are beginning to see the effects of that, as they are transferring far more young people to adult services than they customarily used to do. Obviously it is for them to decide whether or not a young person gets transferred when they turn 18. Previously they did not transfer that many in London. Now we are getting significantly more, so there is a resource implication for us.[189]

84. **The impact on young adults of moving away from the better resourced and more supportive environment of the youth justice system to adult services may be stark and require intensive management. Strong leadership has been exercised by YJB, NPS and NOMS in recognising the critical importance of this transition and the risk that the process of implementing the Transforming Rehabilitation reforms might undermine existing practice. Although there is some evidence that these arrangements are not always working well, particularly in relation to the sharing of data, we welcome the robust measures that they have put into place to ensure strong partnership working and the necessary information sharing to minimise the disruption young adults face in navigating the inevitable fault line between the services. We note that there is potential for resource pressures to undermine the established practice of youth offending teams retaining young adults who become 18 while they finish serving their sentence with the risk that any progress made in the youth justice system could be lost.**

85. **Advocates, sentencers and prosecutors are not sufficiently cognisant of brain development and neuro-disabilities for several reasons. Our evidence suggests that they tend to pick up those who are manifestly immature compared to their peers, and therefore perhaps the most serious cases, but they do not appear to be considering these matters for young adults as a matter of course. Practices therefore do not reflect adequately the evidence on typical brain development.**

184 Q452 [Mr Spurr]
185 Q462
186 Q46 [Ms Doughty]
187 Q169 [Ms Hinnigan]
188 Q40 [Ms Doughty]
189 Q375

3 Options for change

86. Our witnesses suggested a range of options for improving the responsiveness of the system to make it more developmentally appropriate to the needs of young adults and hence more effective. In this Chapter we consider those options for change seen in the context of the new thinking about the needs and characteristics of young adults, and the current arrangements for their treatment by the criminal justice system described in the preceding chapters of this report. In examining these options we focus particular attention on courts and the sentencing process and on the management of young adults in custody. We also consider throughout this chapter what could be adopted from the distinct approach that is already taken to the treatment of under 18s. Our consideration of options for change directly informs the draft strategy for treatment of young adults which we set out as our principal recommendations in the final chapter of this report.

87. The majority of our witnesses advocated developing approaches which would assume young adults are classified as those aged 18 to 25. Reflecting the fact that the development of maturity is a process, and is not linear, several witnesses advocated an adaptable system that recognises maturity rather than focusing rigidly on chronological age, although it was recognised that accommodating both approaches within the system would be possible. Operating a criminal justice system which would treat young adults on the basis of maturity would require systematic screening and assessment, training to raise awareness and adapt practices, as well as an understanding of developmentally appropriate practices, underpinned by a common understanding of the measure of maturity adopted. The evidence presented in chapter 2 illustrates that although the Government, criminal justice agencies and other bodies are seeking to recognise maturity in their policies and practices routinely, none of these requisites are currently fulfilled.

Learning from the youth justice system

88. Many of our witnesses cited the youth justice system as an example of a model for improving the effectiveness of provision for young adults.[190] Suggested approaches included extending the remit of the Youth Justice Board and youth offending teams to young adults or adopting something similar to youth justice system's multi-disciplinary approach—which has been seen as instrumental in reducing the number of under 18s both in the system and in custody—as well as creating a defined statutory purpose, facilitating smaller caseloads, broadening assessments, and sentencing provisions.[191] At the heart of Lord Harris's review were recommendations that would enhance support to young adults in prisons, akin to some of these suggestions. He proposed that NOMS develop more sophisticated assessment of risk and needs for young adults and refresh the subsequent process of planning and support to young adults, including by strengthening positive adult relationships with a dedicated officer qualified in social work or youth work, and ensuring that better links are maintained with families. All three suggestions were rejected by the Government, as was his recommendation of a statutory duty of collaboration to ensure relevant information on young adults was shared as a higher priority.[192]

190 Dr Nathan Hughes (YAO0015); The Magistrates' Association (YAO0019); Cornwall & Isles Of Scilly Youth Offending Service (YAO0025); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); British Psychological Society (YAO0037)

191 Cornwall & Isles of Scilly Youth Offending Service (YAO0025). Q36 [Ms Harrison], Q38 [Ms Doughty]

192 Q83

89. Although the youth justice system has been subject to various reviews over the last eighteen months there has been limited systematic consideration of young adults' policy by the MoJ. For example, the question of the capacity of youth offending teams to take on additional responsibilities does not appear to have been considered by the YJB or the MoJ in reviews which took place at the end of the last Parliament.[193] The former Secretary of State for Justice, Rt Hon Michael Gove MP, indicated to us that there would be merit in a review of arrangements for young adults in the criminal justice system, but Charlie Taylor's independent review of the youth justice system commissioned by the MoJ and which is yet to report remained focused on under 18s.[194] Nevertheless, one outcome of his appraisal might be significant legislative change regarding the provision of youth justice services, which could provide a timely opportunity also to consider the legislative status of those aged 18 to 24 as the Children and Families Act 2014 did by enhancing statutory support for care leavers up to 21 in recognition of their ongoing need for family support.

Extending the youth justice system

90. Since April 2014 in the Netherlands youth justice provisions have been be applied to young adults up to the age of 23, partly in response to a shrinking youth justice cohort similar to that which has been seen in England and Wales. While representatives of the YJB acknowledged the potential value of treating young adults distinctly, both Lord McNally, Chair of the YJB, and Lin Hinnigan, then Chief Executive, believed it important to maintain a youth justice system that reflected specific entitlements and statutory protections for children and hence did not support extending their remit.[195] The YJB was cautious of funds being diverted from services for children:

> It is… a reality that in an environment where budgets are reducing, resources will increasingly need to be focused on delivering core, statutory services, and we would not wish to see services to children diluted by being diverted from their core business in favour of supporting young adults.[196]

91. We also heard arguments that extending the age range upwards might simply postpone the problem of transition.[197] Regarding the most appropriate point at which young people should transfer, the YJB noted that the movement from one type of service provider to another is inevitable at some point and suggested that a later transition date may not be beneficial. Others, including representatives of the Magistrates Association, were not convinced that there was sufficient evidence of the benefits to justify the additional expenditure.[198] We asked Colin Allars, then Director of the National Probation Service, what he thought would be a good cut off point for when a youth transfers from YOT to probation. He said:

> As a policy point, I should not give a view on what the right solution might be. We have tried to ensure that in the early years, post-transition, the interventions we put in place support what has been started before. As things

193 Ministry of Justice Youth offending team stocktake, July 2015; Youth Justice Board, Youth offending teams: making the difference for children and young people, victims and communities, July 2015

194 Oral evidence: Prison reform, HC 859, Q61

195 Q167 [Lord McNally]; Q166 [Ms Hinnigan]

196 Youth Justice Board (YAO0007)

197 Q369 [Mr Ripley]

198 Q313 [Mr Richardson; Mr Caplan]

> sit at the moment, that is the key thing we need to get right so that they do not just drop off a cliff … but there is continuity and we are putting in place the right sort of support and interventions that support that transition.

92. Several witnesses including YJB, T2A, Prisoners Education Trust and Addaction believed that transitional support should limit the arbitrary removal of all individually focused support ahead of becoming recognised as an 'adult', including mental health provision, substance misuse treatment, education, and housing.[199] This would be reliant on other public services recognising that over 18s had distinct needs. On the other hand, T2A and St Giles Trust believed that criminal justice agencies should compensate for other services tailing off on reaching 'adulthood' as it is currently defined at 18 by continuing to provide intensive and well-resourced support.[200]

Systematic screening and assessment

93. Basing a system on maturity requires the development of systematic screening tools and assessments. Several witnesses proposed adapting existing models used in the youth justice system, to enable the focus of their treatment by the criminal justice system to be responsive to individual needs.[201] As we noted in chapter 2, the ability to screen for neuro-disabilities to identify those requiring proper assessment is a particular gap.[202] Several witnesses proposed adapting the Comprehensive Health Assessment Tool (CHAT), of which there are prison and community versions, developed for the Department of Health and the Youth Justice Board.[203] One section of this seeks to identify 'suspected need' related to neuro-developmental disorders such as learning disability, autistic spectrum disorders and speech, language and communication needs, and also includes assessment for brain injury.

94. Dr Chitsabesan, who was involved in the development of the tool, believed that three forms of testing were necessary for young adults, which were not all included within the CHAT: i) mental health needs and neuro-developmental disorders and needs ii) maturity and iii) neuro-psychological testing and impairment.[204] We understand this is being used informally in some young adult YOIs.[205] As we described in chapter 2, NOMS ambitions to develop a maturity assessment fall a long way short of this, although we were told that NICE guidelines are being drawn up on mental health and neuro-disability which will include assessment, screening and potential interventions for people in prison.[206] The Cheshire and Greater Manchester CRC uses a tool devised by the Calderstone's learning disability team in Lancashire. It is not a diagnostic tool, but allows all professionals

199 Youth Justice Board (YAO0007); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Addaction (YAO0003); Prisoners' Education Trust (YAO0020)
200 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); St Giles Trust (YAO0009)
201 See for example Q81 [Lord Harris of Haringey]; Q166 [Ms Hinnigan]; Youth Justice Board (YAO0007); Centre For Justice Innovation (YAO0006)
202 Q353 [Ms Strong]; Q465 [Professor Williams]
203 Q18 [Dr Hughes]; Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Dr Nathan Hughes (YAO0015); Royal College of Psychiatrists (YAO0033); Durham Tees Valley CRC (YAO0045)
204 Q18
205 Q466 [Professor Williams]
206 Q464 [Professor Williams]

working with the client to understand how best to communicate with and supervise the young adult.[207] Improving screening is likely to reveal that young adults need access to specialist assessments and where necessary clinical input will be required.[208]

Awareness training

95. The youth justice system operates on the assumption that those involved in it should be treated as children first, with regard to the principal aim of preventing offending and their welfare. T2A and others wished to see awareness raising training on maturity, neuroscience and brain development related to young adults being available systematically to practitioners including the CPS, sentencers, defence lawyers and the NPS (particularly pre-sentence report writers).[209] The evidence we presented in chapter 2 indicates that the CPS, sentencers and defence lawyers would benefit from this and that awareness of maturity should form a part of basic training for both probation practitioners and prison staff. Maslaha and Baroness Young made a compelling case for initial and ongoing training to enable practitioners to understand and adapt to cultural and religious differences.[210]

96. **We understand the Youth Justice Board's reticence to extend the youth justice system to young adults, and agree that this is not a worthwhile solution given the statutory context. Nevertheless, arbitrary removal of support at the age of 18 does not reflect the evidence on brain development and maturation and the Government is obliged to take account of age under international human rights law relating to detention. It would be counterproductive if reductions in statutory funding affects the extended support provided to some young adults by the youth justice system.**

Developmentally appropriate practices

97. The evidence amassed by T2A indicates that with the right intervention, one that takes account of the developmental maturity and particular needs of this group, young adults are far more likely to 'grow out of crime'.[211] Conversely, inappropriate intervention at this time can slow desistance and extend the period of involvement in the criminal justice system. Nevertheless, there is limited concrete research on the range of services and interventions that might be effective in helping young adults to address their offending and improve outcomes. For example, generic interventions do not tend to be very effective as they are not adapted to learning or language problems, or the implications of head injury, yet there are few age-specific programmes and means of addressing neuro-disabilities.[212] The British Psychological Society and Dr Hughes believed that specific therapeutic programmes for young adults would better improve the outcomes of rehabilitative work by taking into account development and learning styles and providing additional support or appropriate modifications to facilitate better, more mature decision-making.[213]

98. We explored with our witnesses the impact of the MoJ and NOMS existing approach towards young adults, in particular the provision of guidance, on the developmental

207 YAO0051
208 Dr Delmage; Royal College of Psychiatrists (YAO0033); British Psychological Society (YAO0037)
209 YAO0037 [British Psychological Society]; YAO0030 [Catch 22], Prison Advice And Care Trust (YAO0027), Drs Gooch and Treadwell, Q386 [Mr Ilic]
210 Maslaha (YAO0034); Q147 [Baroness Young of Hornsey]
211 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
212 Q215 [Dr Gooch]
213 British Psychological Society (YAO0037); Dr Nathan Hughes (YAO0015)

appropriateness of practice in courts and within prisons and probation services, and knowledge of what might be effective. While the MoJ and NPS acknowledged the need for better research evidence on effective practice with young adults, little has been done centrally to develop the evidence base.[214] Dr Gooch attributed this to the absence of distinct approaches " … we do not know what works, but we are not trying to put in place any interventions to help to form a view about what the evidence might be on what programmes might work."[215] T2A wished to see more research on psycho-social maturation, including on how maturity is influenced by family experiences, such as the strength of attachments, by culture or by a variety of developmental difficulties such as learning disabilities, attention deficit hyperactivity disorder, autistic spectrum disorders, and traumatic brain injury.[216] **The Government's approach not to define young adults as having distinct needs and accordingly to facilitate appropriate responses has limited opportunities to further collective knowledge on effective practice. With the right intervention, one that takes account of the developmental maturity and particular needs of this group, young adults are far more likely to 'grow out of crime'.**

99. Mat Ilic of Catch 22 described the components of effective treatment for young adults as 'three Ps': people, place and purpose:

> It is about having the right people around you, being in a safe place—a place you can relate to and can gain strength from—and having a purpose, which is something meaningful to do.[217]

We keep these in mind as we examine the options presented to us for augmenting the effectiveness of courts and the delivery of custodial and community sentences for young adults.

Addressing neuro-disabilities

100. Problems with attention, memory and executive functions limit capacity to engage in rehabilitative efforts to change behaviour, such as the ability to pay attention, remember and execute advice.[218] Dr Hughes explained that to make interventions more appropriate to impairments sessions ought to be shorter but more frequent and repetitive of the key things that practitioners are trying to get the person to engage with, and should focus on life skills.[219] Although such initiatives are rare, they are emerging. For example, we heard that HM YOI Feltham had recently been autism accredited[220] and HMP Leeds, an adult male prison, had piloted a linkworker scheme following pilots in establishments for under 18s, with the support of the Disabilities Trust Foundation, for people in custody with ADHD and brain injury to support better management of these vulnerabilities through bespoke interventions and training of staff.[221]

214 Ministry of Justice (YAO0018); Q56 [Mr Allars]
215 Q215
216 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
217 Q384
218 Professor Williams (YAO0062)
219 Q20
220 Q446 [Mr Selous]
221 Q463 [Professor Williams]; Dr Nathan Hughes (YAO0015)

Developing positive identities and fostering resilience

101. Some witnesses presented the case for more emphasis to be placed on raising aspirations to counter the negative self-images that some young adults hold. Professor Bottoms introduced us to the concept of 'assisted desistance', whereby rehabilitative efforts are focused on promoting the impetus of individuals to stop offending.[222] One area that is under-developed but seen as important to this at this stage in development is enabling young adults to gain positive self-identities and build resilience as they take steps towards a law-abiding life.[223] Baroness Young, Mr Hillas, Catch 22 and St Giles Trust emphasised the importance of using role models who reflect, and are therefore trusted by, different cultural groups and can provide motivational support. [224] For example, Baroness Young spoke of the importance of acknowledging the impact of racism and discrimination on identities and experiences of BAME young adults: "It is about looking at all those issues—not disregarding them but as the same time not seeing them as an excuse—self-reflecting and trying to enable those young men to develop their resilience and desistance".[225] She also explained the benefits of recognising strengths within those who have committed crime:

> The kinds of skills you learn as a drug dealer or whatever in criminality are transferable skills, like it or not. What we have to do … is harness some of that energy, know-how, nous and entrepreneurialism for something that is good and productive and contributes to the growth of society, our community and our mutual acceptance within that. Until we can see those issues through that prism—if we continually see it as a battle as one thing against another—we will not make too much headway.[226]

102. Similarly, relationship-based approaches seek to replicate positive parenting models, to understand the life journeys of youth adults and seeks to reinforce positive behaviour to support the maturation process, whilst also holding them to account.[227] We were told of the existence of a number of such programmes, including individual and group based mentoring by former offenders and other positive role models. For example, Jeremy Crook explained that BTEG provides training and careers advice delivered by black men who run successful businesses.[228] Young men and women themselves spoke highly to us of initiatives that encouraged and assisted them to re-define themselves and see a future outside the criminal justice system, including the value of gender-specific support and opportunities for them to become mentors, or advisers themselves. For example, A Band of Brothers provides male communities of support for young men and both St Giles Trust and User Voice employ former offenders to support those currently in the system. Bex Mullins of Advance Minerva had found it was important to some young women to access female only services in which they would feel safer.[229]

103. Strengths-based and relationship-based approaches are often provided by the voluntary sector which can be more flexible, adaptive and creative as it has the benefit

222 Q31
223 Q104 [Baroness Young]; Professor Sir Anthony Bottoms (YAO0022)
224 St Giles Trust (YAO0009); Q348 [Mr Hillas]; Catch22 (YAO0030)
225 Q104
226 Q150 [Baroness Young]; See also Q222 [Dr Gooch]
227 Q10 [Dr Hughes]; Q348 [Ms Strong]
228 Q135; See also YAO0031
229 Q385

of not being encumbered by statutory imperatives regarding enforcement, for example.[230] These can be more credible to young adults, promoting engagement amongst those who may have a mistrust of authority.[231] Young adults themselves told us that having a supportive adult who believed in them, saw their value, and emphasised their strengths made the biggest difference to them stopping offending. Nevertheless, such programmes are under-resourced and are reliant on specialised staff with appropriate training to give them the tools to reflect in their practice developmentally appropriate activity such as role modelling, promoting and maintaining positive behaviour, and clearly defining behavioural boundaries. [232] St Giles Trust lamented the fact that " … time and resources are not on hand to encourage the most disengaged young offenders to engage with any support and services on offer."[233] Specialisation could facilitate a more nuanced approach to address needs more effectively and limit the damage to development that can result from involvement in the criminal justice system.[234]

104. The importance of personal interaction and individualised support to young adult prisoners was reflected in one of Lord Harris's central recommendations which was rejected by the Government. He called for a Care and Resettlement Officer who would get to know young adults as individuals and could act to ensure that each person on their small caseload gets the education, rehabilitation and healthcare they need.[235] There was some agreement among our witnesses that specialist support was necessary, even if it was not the specific role that Lord Harris proposed.[236] Professor Williams felt it was important for someone both to support young adults in engaging with their rehabilitation, to promote the process of change and increase their resistance to peer group pressure and to co-ordinate their care.[237] He believed lessons could be learnt from the health sector in managing mental health issues and brain inquiry by developing packages of care which have continuity.[238] Baroness Young emphasised the need for credibility as young adults require trust in those seeking to support them to stop offending.[239] In relation to prisons she said "An atmosphere or a culture needs to be created in which it is possible for people to talk about their insecurities, anxieties and difficulties and to be quite open and honest about some of the issues that come up around race, culture and ethnicity, in order to move forward."[240] Bex Mullins who works with young women gave us an example of a case which illustrates how forming relationships can help practitioners build up a picture of needs:

> I have worked with a young woman who was arrested for a drunk and disorderly offence. There was no way that the police would have known that she was gang involved, but when I started working with her and built a relationship with her, a lot of information came out about how she was

230 Q381 [Mr Ilic]
231 Q383 [Mr Kastner]
232 Q135; YAO0031
233 YAO0009
234 Q462 [Professor Williams]; Catch22 (YAO0030); Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)
235 Q80
236 Q489 [Mr Rutherford]; Q490 [Professor Williams]; UKABIF (YAO0001); Royal College of Psychiatrists (YAO0033)
237 Qq462, 481
238 Q481 [Professor Williams]
239 Q144 [Baroness Young]
240 Q147

> escorting young girls in care to prison to see gang members and how she was cleaning money through her account. That only comes out when you have a relationship with someone.[241]

Explaining why the Government did not accept Lord Harris's recommendation, Mr Selous emphasised that safety should be the responsibility of everyone working in prisons. Nevertheless, he undertook to revisit Lord Harris's recommendations as part of their prison reform agenda.[242]

Family involvement

105. Another means of building supportive relationships is the involvement of young adults' family—including those young adults were raised in and those that they are forming themselves—and wider networks of support. There is an increasing recognition of their potential effectiveness in supporting resettlement, although several of our witnesses pointed out that this is not without risk as some families may themselves be involved in crime.[243] St Giles Trust proposed that young adults' whole family situations should be looked at and supported in order to reduce the likelihood of reoffending on release.[244] The Government placed value on this, as happens in youth justice system, but as there is no legislative basis for it doing it relies on the young adults' consent and families' willingness to participate.

106. **Relationships with trusted, credible, and understanding practitioners and with supportive families and other networks are of critical importance in comprehending as fully as possible the nature of young adults' risks and vulnerabilities and supporting them to stop offending and developing their resilience and maturity. We agree with the Ministry that safety in prisons should be everyone's responsibility, but in failing to accept one of the central recommendations of the Harris Review—that young adults in custody need a designated person to engage, challenge, and support the—it has undervalued the role they would play in fostering desistance.**

Developmentally appropriate places

Courts

107. Several of our witnesses including T2A believed that developmental maturity should be given greater consideration in the criminal court processes for young adults, including sentencing. The Centre for Justice Innovation (CJI) observed that "the allocation of people within the court system continues to be driven purely by the chronological age of the defendant, rather than in specific response to individuals' developmental maturity or needs." Max Rutherford believed that sentencing should be more tailored to meet the specific needs of this age group and while much could be achieved within the existing sentencing framework, legislation would enable more.[245] For example, in some jurisdictions,

241 Q396
242 Oral evidence: Prison safety, HC 625, Qq88, 89;
243 Q349 [Ms Strong]; Q86 [Lord Harris of Haringey]; St Giles Trust (YAO0009)
244 St Giles Trust (YAO0009)
245 Q469

notably Germany, young adults are sentenced in accordance with their maturity. Youth courts choose either juvenile or adult law for young adults on the basis of maturity of the individual and their distinct needs, allowing more flexibility in sentencing.

108. The Centre for Justice Innovation (CJI) examined for T2A the feasibility of dedicated courts delivering distinct arrangements for young adults without legislative change. They proposed that:

(1) All young adult cases could be allocated to specialist youth magistrates and judges who currently deal with 10 to 17 year olds and who are already eligible to hear adult cases.

(2) These courts could apply existing adult legislation, but would receive pre-sentence reports with additional focus on levels of maturity and information about the context of the offence.

(3) The principles of 'procedural fairness' would be applied and sentencers would be made aware of disposals locally that would suit young adults (such as Attendance Centre Requirements, Intensive Community Orders, and involvement of mentors alongside supervision).

109. CJI emphasised the importance of young adults feeling that they are fairly treated in the criminal justice system and identified that young adults are more attuned to "perceptions of unfairness and signs of respect" because of their level of maturity.[246] They cited research indicating that young peoples' perception of their sentencer has the largest influence on their views of the overall legitimacy of the justice system, even when controlling for the outcome of their case. Notably, young people who "experienced an atmosphere of confusion and unprofessionalism tended to view the entire justice system as less legitimate" than young people who had a better court experience. Nevertheless, we heard that young adults in court may experience difficult and technical language, intimidating formal settings, and a lack of opportunity for direct engagement.[247] Ben Estep of CJI explained that perceptions of fairness can increase compliance with court orders yet "feelings of confusion, frustration and intimidation" are particularly common among young adults during the court process.[248] Youth magistrate Fiona Abbott emphasised the importance of young people feeling part of the process in ensuring that they start to take responsibility for their action.[249] Grace Strong emphasised the importance of consistency of treatment to get young adults to buy-in throughout the criminal justice system.[250]

110. According to CJI's feasibility study, youth courts—in which specially trained magistrates talk directly to the child and their parents and use simpler language appropriate to comprehension levels and which are less formal in nature and layout—have higher procedural fairness. The potential merits of applying such approaches to defendants who may be less mature or otherwise vulnerable to ensure they understand and follow the process was endorsed by some witnesses, including Michael Caplan QC

246 Centre For Justice Innovation (YAO0006)
247 Ibid.; Q283
248 Q283
249 Qq267, 274-276 [Mr Estep]; Q280 [Ms Abbott JP]
250 Q364 [Ms Strong]

and the Magistrates Association.[251] Others proposed the involvement of advocates for young adults, for example from the voluntary sector, to help them to understand what a sentencer will need to know.[252]

111. The under-use of youth courts was seen as an opportunity to make alternative use of youth magistrates with their expertise in dealing developmentally appropriately with young people. [253] Nevertheless, while the Magistrates Association agreed that lessons could be learned from the youth court system they cautioned that it not simply a question of translating practices, noting the importance of the underpinning legal framework which encourages engagement with the young person and the families.[254] Mr Caplan cautioned against over-specialism and Mr Richardson agreed that all magistrates should have the capacity to engage effectively and individually with those who come before the court, regardless of age.[255] On the other hand the alternative would be to increase the level of training on maturity across the whole magistracy, which would be more costly; our discussions with youth court magistrate Fiona Abbott JP indicated that even youth magistrates have limited training on brain injury and other factors affecting maturity.[256] T2A believed that youth adult courts would be cost neutral as they would be using capacity that already exists and with CJI has initiated several pilots which it is evaluating.[257]

112. We saw young adult courts in operation in the US where such a dedicated approach to sentencing young adults was being tested with the cooperation of the judiciary, defence and prosecution, and the support of other criminal justice agencies. For example, at Red Hook Community Justice Center in Brooklyn the judge interacts with the defendant, encouraging them to engage through a form of behavioural contract. Prosecutors will then decline to prosecute if they comply. There is on site access to programmes and a clinic staffed by social service professionals who use trauma- and evidence-informed approaches to assess and connect individuals to appropriate services, including drug and mental health treatment. Research at the Center suggests that court users are more likely to be treated fairly across socio-economic, racial and cultural background. A problem-solving approach specifically for young adults aged 18 to 24 had also been recently adopted at Brooklyn Criminal Court having been tested with 16 and 17 year olds who were previously treated as adults. Here the emphasis was placed on limiting interventions where risk allowed. We were struck by the judiciary's encouragement of engagement with the support networks of defendants, despite there being no legislative basis for it. The Ministry of Justice's attitude to problem-solving courts under the new Justice Secretary is not yet clear.

113. **Consideration of maturity and understanding of the need for developmentally appropriate treatment is intrinsic in youth court processes, including training for magistrates. Extending these approaches to young adults without changing the legislative framework would capitalise on trained youth magistrates whose expertise is underused due to falling caseloads in youth justice. While these principles could be applied to all criminal court processes, we recognise that the costs of training all sentencers to take a developmentally appropriate approach would be prohibitive.**

251 [Q251 Caplan], Q364 [Ms Strong]; The Magistrates' Association (YAO0019); See also Q301-304 [Ms Abbott]
252 Q404 [Ms Mullins]; Q405 [Mr Ilic]
253 Q175 [Ms Hinnigan]
254 Q248
255 Q264 [Mr Caplan] Q266 [Mr Richardson].
256 Q304 [Ms Abbott JP]
257 Q472 [Mr Rutherford]

We look forward to hearing more from the Government about its potential plans for expanding the use of problem-solving courts when they announce their proposals for court reform.

Community based provision

114. Some witnesses were keen to impress on us that improving the treatment of young adults in the criminal justice system was not solely a Ministry of Justice issue. Overcoming the structural barriers noted in chapter 1 and fostering effective early intervention and diversion would require a more co-ordinated cross-government approach. This was seen to be especially important for the young adults who lacked other support systems, in particular care leavers, and who were especially likely to need multi-agency support.[258] The Howard League's legal caseload illustrated that young care leavers in prison often do not receive the support they are statutorily entitled to.[259] In common with Lord Harris's findings the bereaved families we spoke to had recognised that their sons needed help before they ended up in custody but had been unable to find appropriate support for them.

115. We heard about the value of multi-disciplinary and collaborative approaches necessary to reflect the multiple factors underlying young adults' offending.[260] Police and Crime Commissioners can play a role in facilitating such initiatives. For example, MOPAC recognised the gap in provision for young adults and made them a strategic priority—as 10% of London CRC's caseload are 18-20 year olds who have transferred from the youth justice system and due to their higher reoffending rate than older adults—and has co-commissioned services with London CRC, local authorities and NHS London, including a "Gripping the Offender" pilot, taking a 'whole system approach' to young adults, a gang exit scheme, and victims' services.[261] Regarding the latter, the former deputy mayor of London, Stephen Greenhalgh, saw it as important that young people are also disproportionately victims of crime, and can be both perpetrators and victims, highlighting the need to manage risk and vulnerability.[262] The PCC's role complements London CRC's prioritisation of support to 18 to 25 year olds with access to an enhanced intervention, including support for family relationships.[263]. In Boston, we visited ROCA, a programme that seeks to motivate and engage young people at risk, including gang members, recognising their maturity by offering access to support and training, non-judgmentally and without statutory funding or direct links to criminal justice agencies. This enables young adults to develop life and employment skills at their own pace within a safe space, which may take several years. Mr Greenhalgh raised questions about funding for multi-agency initiatives believed that greater devolution of budgets could facilitate system reform to enable better management and a specific focus on the relatively small number of 18 to 24 year olds who place great demands on the criminal justice system due to their prolific offending.[264] These are interesting issues but it is not within the scope of this inquiry to examine the case for criminal justice devolution.

116. Some Community Rehabilitation Companies have also created forums for those under the supervision of probation services to access a range of agencies and non-

258 Q215 [Dr Gooch]; Qq356, 385 [Mr Ilic]
259 The Howard League for Penal Reform (YAO0023)
260 Q10 [Dr Delmage]; Q11 [Dr Chitsabesan]
261 Mayor's Office of Policing and Crime (YAO0038)
262 Qq 339-340 [Mr Greenhalgh]
263 YAO0049
264 Qq317, 319, 321; See also Mayor's Office of Policing and Crime (YAO0038)

statutory organisations which can be tailored to young adults or women.[265] Both London CRC and DTV CRC have adopted the "hub" approach and emphasised the benefits of delivering services in localities in which service users reside, in community buildings with no association with probation or the criminal justice system, which can reinforce negative perceptions of self. London CRC's Croydon Hub provides young adults aged 18 to 25 referred by both the CRC and NPS with access to organisations and businesses which can provide advice, support and education, training and employment opportunities under one roof. Service users attend a six week programme, are generally low to medium risk of harm. Mr Hillas emphasised the importance of the quality and cultural relevance of the partnership agencies engaged in the hub to ensure buy-in by young people.[266] Hubs are not the only solution to working across agencies as they can be resource intensive and can cause problems around territory related to gangs.[267] St Giles Trust takes an outreach approach, embedding specialist youth, gangs and resettlement workers in other statutory teams.[268]

Prisons

Sentence of detention in a young offender institution

117. The majority of our witnesses were supportive of retention of the sentence of detention in a young offender institution and proposed it be extended to 24.[269] The Ministry of Justice has recognised that "the operating model for the custodial estate will need to take account of the distinctive needs and differences of young adults." Nevertheless, as we noted in chapter 2 it remains very unclear what this means in practice. Mr Spurr explained that there were two broad options that the Government could consider:

> [a]s part of the prison reform programme over the next few years … we will need to decide the right way to try to address individuals' needs. One way is to segment by age, recognising—I agree on this absolutely—that young men do not stop being young at 20 or 21, and that maturity differs. It is perfectly reasonable, as happens in other jurisdictions, to look at young adults up to the age of 24 or 25. Whether it is right to create establishments for that group, rather than to create specialist establishments to deal with the particular needs of people within a wider age range, is complicated …[270]

With regard to the latter he mentioned specialist establishments for sexual offences, drug treatment, and high-security as examples.[271]

118. T2A's view was that young adults up to the age of 25 should be held in separate establishments. Max Rutherford did not believe there would be significant costs attached to reorganising existing YOIs to hold up to 25s, and it would have the benefits of making

265 Q359 [Mr Ripley]
266 Q360 [Mr Hillas]
267 Q385 [Mr Kastner]
268 Q385 [Mr Kastner]. See also St Giles Trust (YAO0009)
269 Q470 [Mr Rutherford]; Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); Criminal Justice Alliance (YAO0026); Prison Reform Trust (YAO0017); NACRO (YAO0021); Mayor's Office of Policing and Crime (YAO0038); Royal College of Psychiatrists (YAO0033)
270 Q447
271 Ibid.

best use of specialist staff and under-utilised prisons for 18 to 20 year olds.[272] He cited positive examples of establishments in Neustrelitz in Germany which mixed offence categories, and HM YOI Swinfen Hall which previously held young adults up to the age of 25.[273] He would like to see rigorous testing from Government, before they take a decision whether or not to abolish the sentence.[274] Others recognised the benefits of holding young adults in more generic establishments of localisation and proximity to families.[275] HM Inspectorate of Prisons and Lord Harris among others believed that there was a need for a variety of custodial settings, including designated YOIs, smaller units within adult establishments and integrated regimes and that young adults should be allocated to suitable establishments dependent upon their needs.[276] It has been speculated that Charlie Taylor's review of custodial provision for under 18s will similarly recommend small secure schools.[277]

119. Neither the Inspectorate nor Lord Harris felt that the means by which decisions are currently made about which form of establishment would best suit prisoners were adequate to take account of individual needs.[278] Lord Harris recommended the establishment of a centralised unit which would make such decisions.[279] Nick Pascoe explained how placement decisions were made currently with regard to young adults being transferred from the youth justice system: "deciding where people go is not a tick-box exercise; it is much more personal and detailed. It is an assessment based on needs and on the individual, rather than simply a numbers exercise.[280] Nevertheless, the evidence in chapter 2 indicates that there is not sufficient information about needs on which to base such assessments.

120. **The MoJ has recognised that the operation of the custodial estate for young adults needs to change to take account of their distinctive needs but has not articulated what that means. The detention in a young offender institution (DYOI) sentence was originally conceived to offer extra protection and support to young adults because of their developing maturity. This has been rendered meaningless by the effective lack of differential treatment in the custodial estate. The extent to which the specific needs of young adults can be managed adequately, let alone effectively, in either distinct or mixed institutions is not clear. The Ministry and NOMS have not provided a robust evidential basis for their decisions to close several dedicated institutions. Indeed we have not seen any evidence that outcomes for young adults under different placement scenarios have been evaluated at all. We welcome their assurances that they are willing to revisit the government's response to the Harris Review which has been disappointingly timid. While we welcome programmes which NOMS has recently developed under the violence reduction programme, these do not go far enough in creating developmentally appropriate responses to the management of behaviour, including violence.**

272 Q471
273 Q475
274 Q474
275 Q86 [Lord Harris]
276 Qq86, 88 [Lord Harris]; HM Inspectorate Of Prisons (YAO0032). See also Catch22 (YAO0030)
277 Q437
278 HM Inspectorate Of Prisons (YAO0032); Q70 [Lord Harris]
279 The Harris Review, p10
280 Q196

The pros and cons of mixed establishments

121. As we noted in chapter 2, the majority of young adults aged 18 to 20 are held in mixed establishments alongside older adults. One of NOMS' arguments for mixing young adults with older prisoners is the potentially stabilising effect on their behaviour.[281] Although this was reinforced by some of our witnesses, including Dr Delmage, there is not consistent evidence of this.[282] Max Rutherford described the evidence on the benefits of mixing as anecdotal.[283] HM Inspectorate of Prisons found in its inspections that in prisons that where young adults were integrated outcomes for the young adults were generally worse.[284] Catch 22 found in their research that older adults preferred to be separated from younger adults due to their violent behaviour and immaturity.[285] Gooch and Treadwell questioned the validity of arguments for dissipating violence by mixing young adults with older adults:

> Young adult prisoners tend to be more impulsive, less likely to engage in consequential thinking and more likely to engage in public displays of violence. However, they lack the sophistication of adult prisoners. Levels of violence in adult prisons tend to be planned, serious and sophisticated, which may explain why homicide, bar a small number of notable exceptions, only occurs in adult prisons. Moreover, there is a misplaced assumption that the seemingly lower levels of violence [among older prisoners] mean improved compliance.[286]

Mr Selous accepted that more research was required and appreciated the need for the MoJ carefully to study the mixing of age cohorts on the potential positive and negative impact of older adults on their younger counterparts.[287]

Therapeutic support

122. In her research Dr Gooch from Birmingham University had found almost no therapeutic support or counselling opportunities in prison, the provision of which is predominantly the responsibility of the NHS, despite the level of trauma, loss and bereavement typically experienced by young adults and its potential to address the root causes of a young adult's criminality and self-harming behaviour.[288] When we discussed this with Mr Selous he referred to support provided by chaplains.[289] The nature of therapeutic support in prison was also one of the subjects we discussed with bereaved families and young adults who had recently been involved themselves in the criminal justice system; its lack of availability was a common theme. For example, we heard that at HMP Portland there was no counsellor for over 500 men. Trauma-informed approaches were advocated to enable young adults to develop better coping mechanisms and an

281 Q186 [Mr Pascoe]
282 Q10
283 Q473
284 HM Inspectorate Of Prisons (YAO0032)
285 Catch22 (YAO0030)
286 University of Birmingham (YAO0028)
287 Qq437, 447
288 Q232; See also A constituent of Robert Buckland MP (YAO0040)
289 Letter dated 5 January 2016 from Andrew Selous MP, Parliamentary Under Secretary of State, Minister for Prisons, Probation and Rehabilitation, Ministry of Justice to Robert Neill MP, Chair of the Justice Committee on prison safety Published 21 January 2016; See also Justice Committee Oral evidence: Prison safety, HC 625, 1 December 2015, Qq13-15

understanding of how to build healthy relationships.[290] Mr Spurr could see the resonance of trauma-informed approaches for young adults and planned to extend the training that had been provided across female establishments to other parts of the prison estate.[291]

123. **We have found limited evidence of innovative practice with young adults in prisons, even in the young adult prison estate for 18 to 21 year olds. Provision to address the needs of young adult offenders with mental disorders, neuro-disabilities, well-being needs stemming from trauma, and other learning and communication difficulties is particularly poor. We are not currently convinced that developmentally appropriate responses will flourish within the existing arrangements for managing young adults in custodial institutions without a step change in direction from the centre. The over-riding emphasis on safety may be necessary in the short-term but it cripples the system from engaging more effectively. The possibility of taking distinct approaches to young adults through specialist training and developmentally appropriate interventions is limited if they are integrated with older adults.**

Effective risk management

124. We heard of a number of potential means of better managing young adults to reduce violence and create greater stability within custodial establishments holding them. Dr Gooch asserted that this required strong leadership, strong staff-prisoner relationships and a whole-prison approach to violence reduction, which included support of both victims and perpetrators. She explained what in her view stronger "operational grip" by governors entailed:

> It is the decisions that are made about how you use segregation and how you use adjudications, which are the disciplinary hearings within the prison. It is the values that you instil about where the boundaries are and what is appropriate behaviour. When you talk about grip, it is not about punitiveness. It is understanding when to lock down and when to use your security measures to their full potential, if need be—for example, to search a wing or to keep everyone safe by reducing activity for a particular day—as well as about knowing when to leave it.[292]

For example, incentives and privileges schemes would emphasise quicker sanctions, quicker rewards for small changes in behaviour and clear progression. Adjudications would be used to challenge and talk about behaviour, as well as to promote more positive forms of behaviour.[293]

125. The Restorative Justice Council, Nick Pascoe and Catch 22 highlighted the value of whole prison approaches to restorative justice, which had been used successfully in youth justice settings.[294] Mat Ilic explained that this would entail dialogue between prison staff and young people about why they are acting in a particular way to seek to get underneath the behaviours they display.[295] We heard from Mr Selous that smaller units can foster more positive prisoner-staff relationships and lower levels of violence; he had

290 Q408 [Ms Mullins]
291 Q453
292 Q208
293 Q209
294 Restorative Justice Council (YAO0016); Catch22 (YAO0030); Q205 [Mr Pascoe]
295 Q413

been impressed by the enabling environment wing at HMYOI Aylesbury and wished to see this extended.[296] The Royal College of Psychiatrists strongly supported such initiatives and wished to see those currently available have higher levels of input, including more comprehensive services.[297]

126. We heard from Catch 22 and St Giles Trust about the effective work they are doing to tackle gangs which includes taking a 'whole family' approach.[298] St Giles Trust believed that prisons could also learn from community based initiatives in gang mediation.[299] Another of Catch22's programmes, HMP Thameside Gangs Service, seeks to capitalise on the 'teachable moments' prompted by prison sentences to encourage people to leave gang lifestyles behind by building coping and communication skills, and identifying positive educational and employment opportunities for people to pursue on release. Mat Ilic of Catch 22 attributed the programme to a 77% reduction in violent incidents at HMP Thameside since it was introduced.[300]

Improving purposeful activity

127. As we noted in chapter 2 some witnesses linked the lack of purposeful activity with boredom and poor behaviour and T2A, HMIP, Nacro and Prisoners Education Trust wished to see provision and access to it improved significantly. The former Prisons Minister told us he was proud of the Ministry's efforts to improve education, employment and mental health support, and wished to see young adults getting out of their cells and accessing them. [301] One of Lord Harris's recommendations that was rejected by the Ministry of Justice was that prisons should record the amount of time the prisoners spent outside their cell, particularly time spent engaged in purposeful activity, to incentivise greater provision.

128. **While high levels of violence and bullying have been enduring problems in institutions holding young adults and have become endemic in their culture, this is not inevitable. The incentives and earned privileges scheme and punitive and restrictive measures to prevent violence, including shockingly long hours of being restricted to cells and high levels of adjudications are short-term means of managing a risky and vulnerable population. Such action does little to address underlying behaviour and is largely ineffective as a means of deterrence. Measures which focus on positive encouragement and which seek to understand the reasons underlying their conduct will be more successful in achieving changes in behaviour.**

129. **Prison population levels and resources for staffing are now such that the population cannot safely be managed without confining young adult prisoners for significant periods of the day. There is little worth in improving education, employment and mental health support if they cannot be accessed. This renders one of the purposes of imprisonment—to rehabilitate—wholly redundant. Of course it is imperative that safety is the priority within prisons, but society also expects that prisoners will be**

296 Q421
297 Royal College of Psychiatrists (YAO0033)
298 St Giles Trust (YAO0009); Catch22 (YAO0030)
299 St Giles Trust (YAO0009)
300 Q394 [Mr Ilic]. The programme also resulted in a 49% reduction in service users reporting gang affiliation, 67% reduction in offences and 54% reduction in individuals not in school, training or employment. Catch22 (YAO0030)
301 Qq439-443 [Mr Selous]

released having a greater chance of living law abiding lives, and the extent to which prisons are promoting the purpose of public safety, other than for the often short duration of a prison sentence, is also minimised by this policy. The strain under which the prison system is operating means that it cannot be effective at rehabilitating young adults whose brains are still developing and for whom it is especially important.

Strategy and governance

130. T2A believed that in order to develop a distinct approach the Ministry of Justice should create and implement a strategy for 18 to 25 year olds, including the creation of a range of accountability measures with a Minister in the Ministry of Justice, with cross-departmental responsibilities in the Home Office, exercising oversight. This was supported by several witnesses.[302]

131. Lord Harris recommended that a senior individual, supported by a dedicated unit within NOMS, be given responsibility for ensuring the particular needs of all young adults are provided for appropriately across the prison estate, believing that the young adults portfolio of the Deputy Director was subsidiary to a wider role managing the under 18 estate. He also called for a cohesive and effective strategy on young adults which he defined as 18 to 24 year olds. The Government did not agree that one individual could adopt operational responsibility for the management of over 20% of the total prison population, not addressing Lord Harris's suggestion for the person in that role to be supported by a team.[303] When we asked the then Deputy Director of Custody, Mr Nick Pascoe, whether he should have responsibility for a slightly older young adult cohort, up to 25 years old, he explained:

> There is a policy issue, and there is an operational responsibility issue. The 18-to-25 group is about 16,000 prisoners. I do not think they can be managed operationally as a separate group. What policy would be necessary for that distinct group is less clear.[304]

132. Assessment, guidance on effective practice, and training only goes so far in encouraging practitioners to treat young adults more developmentally appropriately. T2A advocated that as part of its recommended strategy young adulthood should be defined in statute as those aged 18 to 25 and proposed that the government should bring forward an amendment to the Offender Rehabilitation Act 2014 to create a legal duty for probation services to provide a distinct service for young adults, similar to section 10 of the Act and its requirement to provide a distinct service specifically meeting the needs of female offenders.[305] Lord Harris called in his Review for the concept of maturity of young adults to be enshrined in legislation in addition to recognition of age. He explained to us what he envisaged:

> … the principle that the law simply recognises chronological age and does not recognise that some 18-year-olds have the maturity, strength and capacity of 25-year-olds have the maturity of a 16-year-old rather misses the point. [The Government] say of course that judges should have discretion,

302 Q56 [Ms Harrison; Ms Doughty; Mr Allars]
303 Ministry of Justice, Government response to the Harris Review into self-inflicted deaths in National Offender Management Service custody of 18-24 year olds, December 2015
304 Q193
305 Q439 [Mr Rutherford]

> and I support th[at] principle … but I am sure it helps [them] if they have a piece of statute that says, "This is something that we should be taking into account".[306]

T2A also suggested that the Ministry of Justice should develop performance measures to incentivise distinct approaches to be adopted for young adults.

Community based sentences and post-release supervision

133. The provision of community-based rehabilitative services for young adults is included under the generic contracting arrangements with CRCs for all offenders under probation supervision and in the last three months of their imprisonment. T2A believed that all CRCs should develop distinct young adult teams, which would have smaller caseloads and work in collaboration with the voluntary sector to deliver a 'gold standard' approach as defined by T2A and Clinks in their report 'Going for Gold'.[307] T2A proposed that post-prison resettlement services should be contracted separately from older adult services, ensuring that all young adults leaving prison are provided with a distinct, more intensive, age-appropriate range of support and supervision.

134. Many Probation Trusts established dedicated young adults services and teams. This trend has continued under the Transforming Rehabilitation programme, where T2A has identified that the majority of Community Rehabilitation Companies have identified young adults aged 18 to 25 as a priority and/or distinct group. They have differed in their approaches to this. London CRC has opted to treat young adults as a separate cohort and provide an enhanced level of service and explained:

> The rationale for this decision extends beyond just the maturity agenda; the CRC considers that in addition, young adults should receive separate employment/ training advice and this should include age and maturation appropriate teaching methods that young adults can readily learn from. Furthermore, young adults should receive different specialist mental health inputs given mental health conditions for young adults are different to those experienced by older people and they should also access different services to address issues relating to violence.

For example, London CRC's New Directions programme has resulted in a 5 to 10% reduction in reconvictions and is particularly effective when a young adult has supportive family or other social networks.[308]

135. Durham Tees Valley CRC (DTV CRC) has adopted an approach in which they support all individuals dependent on their needs based on desistance theories and an understanding of maturity.[309] For example, in order to ensure that young adults understand the responsibilities that are placed upon them they make the induction process as clear and transparent as possible and where appropriate explain the terms of their community order or licence to parents or guardians. They also facilitate a variety of contact methods such as text or email for any queries to be clarified by their probation officer. Derbyshire, Nottinghamshire, Leicestershire and Rutland CRC (DNLR CRC) has introduced a multi-

306 Q65 [Lord Harris]
307 Clinks (YAO0012)
308 Q356 [Mr Hillas]
309 Q348 [Mr Ripley]

agency, pan-region Young Adult Project (YAP!) to offer distinct provision at multiple stages of the criminal justice system. Similar initiatives are taking place in Wales, Gloucestershire and Hampshire.[310] The experience of Greater Manchester Intensive Alternative to Custody and similar programmes has demonstrated that more intensive interventions which provide structure can, counter-intuitively, be more successful.[311]

136. Witnesses from CRCs did not see a need to change existing arrangements, including through a legal duty for them to provide a distinct service for young adults. Mr Hillas believed CRCs would be "foolish … not to offer a distinct service" given the evidence.[312] They agreed that there was sufficient scope within the flexibility of rehabilitation activity requirements to suit individual needs and tailor supervision. For example, DNLR CRC has designed rehabilitation activity requirement specifically for young adults and Grace Strong of DNLR CRC believed that more imaginative use could be made of senior attendance centres, including involving young adults in the delivery of the sentence.[313] **Our evidence from probation services suggests that there is sufficient flexibility within the adult community sentencing framework to facilitate a distinct approach to young adults in the community without legislative change. Developmentally appropriate responses are feasible within this framework—including through conditional cautions and rehabilitation requirements, attendance centres and intensive schemes—and appear to have flourished under the Transforming Rehabilitation reforms in some CRC areas although there are inconsistencies. This is dependent on CRCs recognising the benefits of developmentally appropriate responses, either collectively or on an individual basis following assessments of maturity, and on sentencers choosing to use them. Police and Crime Commissioners are well-positioned strategically to champion and co-ordinate more effective approaches, including diversionary approaches, and have been able to leverage multi-agency resources, including funding for victims' services and partnerships with local authorities and health services.**

The potential costs and benefits of change

137. In exploring the options for change detailed above with our witnesses we have been mindful that policy change could be costly yet has the potential to be beneficial in reducing the challenges of managing effectively young adults and improving their outcomes. For example, acknowledging that enhancing the screening and strategies for managing young adults developmentally appropriately would require additional resources, the British Psychological Society suggested that this would amount to an "investing to save" strategy.[314] Lord McNally supported this, explaining that in the experience of the YJB multi-agency co-operation has resulted in more effective use of resources.[315] Max Rutherford expressed disappointment that the Ministry of Justice had not recognised that it is worth focusing attention and resources on the age cohort that makes the biggest demand on its services.[316] He illustrated how long-term savings might be accrued with the following example:

310 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010); See also Working Links (YAO0047)
311 Q362 [Mr Hillas]
312 Q370
313 Qq353, 363 [Ms Strong]
314 Q172 [Ms Hinnigan]; YAO0037
315 Q157
316 Q464

> [A borough commander] said that, for him, the reason why 18 to 25 year olds should be a distinct group and have a special effort of resources and capacity was that, if we get it wrong with that age group, there is at least a decade-long consequence, socially and financially. This is the group with the peak age of offending but also the age group more likely permanently to desist from crime, if we get it right.[317]

Professor Williams similarly considered that the level of reoffending and risk of suicidality and self-harm is so significant in cases of neuro-disability and adversity that it is "very likely" that interventions to address those things will have a beneficial long-term impact.[318] The Centre for Mental Health has estimated that the long-term costs per case of a 15-year-old with traumatic brain injury who comes into contact with the criminal justice system is around £345,000.[319]

138. There is some evidence that treating young adults differently would result in cost-savings. For example, Beyond Youth Custody cites several case studies of young adults who had recently been in custody who received intensive support related to mental health, substance misuse and other issues post-release. The costs of non-intervention (reactive costs) were compared with the costs of intervention (pro-active costs) and in each case, even when costs of intervention were high, there was a net benefit within a few months to a year. [320] Economic analysis carried out for T2A by Matrix Evidence has shown that introducing measures that would allow 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). [321]

139. **Young adults offend the most but have the most potential to stop offending. They are resource intensive as they are challenging to manage. A strong case could be made for recognising that expenditure to make the system more developmentally responsive would pay dividends in reduced costs to the system in reducing incidents of violence and to society in reducing offending and the creation of further victims. The Ministry of Justice has not clearly articulated to us why it has not acted decisively to develop a systematic new approach to young adults, given the weight of evidence. The lack of action denotes an absence of leadership, both Departmentally and within NOMS, and tinkering around the edges misses clear opportunities to seek to prevent the cycle of offending continuing, creating more victims in the process.**

317 Q461
318 Q478
319 Parsonage, M., Traumatic Brain Injury and Offending: an economic analysis, July 2016, London: Centre for Mental Health
320 Beyond Youth Custody, Resettlement work with young people: using individual case studies to assess costs and benefits; 2016
321 Barrow Cadbury Trust / Transition to Adulthood (T2A) Alliance(YAO0010)

4 Blueprint for a strategic approach to the treatment of young adults in the criminal justice system

140. **There is overwhelming evidence that the criminal justice system does not adequately address the distinct needs of young adults. Scientific and sociological understanding of the development of young people and the factors which may dispose them to criminal behaviour or to desist from that behaviour has made recent important advances. Our inquiry has also taken place at a time of significant policy change, both in announcements of reforms to the operation of prisons and to the delivery of youth justice services and the embedding of reforms made by the previous Government to probation services and the commencement of some devolution of criminal justice budgets. While much of the detail is not yet known, in particular about the nature of reforms to prisons and the autonomy of governors, there has been a notable absence of resolution regarding the Government's strategy for young adults despite assurances being given in the MoJ's response to the Harris Review and in evidence to us that it was being considered as part of the prison reform agenda. We have not seen any compelling evidence of why it has not been courageous in its strategy for young adults, rather than hiding behind existing and outdated legislation which it is within its gift to seek to change. In the light of the Government's failure to act and in recognition of the weight and wealth of evidence provided to us in the course of our inquiry, as well as the overwhelming enthusiasm within the sector for change, we present our recommendations to the Government in the form of a blueprint for a strategic framework which we expect to be adopted as part of their forthcoming reform plan.**

Overarching principles

141. ***Both age and maturity should be taken into significantly greater account within the criminal justice system. The rationale of the system for young adults should presume that up to the age of 25 young adults are typically still maturing. A developmental approach should be taken that recognises that how they perceive, process and respond to situations is a function of their developmental stage and other factors affecting their maturity, and secondarily their culture and life experience. Navigating the system is particularly challenging for those with neuro-disabilities, neuro-developmental disorders, mental disorders and learning and communication needs, many of which co-exist and compound each other, and which are exacerbated by the trauma that many young adults have recently experienced. There must be a step change in policy and practice to recognise that, while most young adults involved in crime want to change, their distinct developmental status and neurological impairments impact on their experience of the system and their capacity to desist from crime. Guidance alone will not provide this.***

142. ***The strategic approach to young adults should be founded on the clear philosophy that the system should seek to acknowledge explicitly their developmental status, focus on young adults' strengths, build their resilience and recognise unapologetically the degree of overlap between their status as victims and offenders. A common understanding of maturity should be devised by the Government which recognises typical and atypical***

maturation amongst young adults and is applied across the criminal justice system. Understanding of brain development, neuro-disabilities and trauma-informed approaches should be mandatory within basic prison and probation officer training. Both these elements would create cultural change in the treatment of this cohort by fostering a stronger understanding amongst all criminal justice professionals of the factors that bring young adults into the system and those which influence their ability to change their behaviour, which is not just about punishment and managing risk.

Understanding risks and needs

143. ***The strategy must also address the current unacceptable situation that the prevalence amongst prisoners and those supervised by the probation service of a range of disabilities, disorders, cognitive difficulties, and forms of emotional trauma are both unknown and largely unaddressed, affecting their behaviour and prospects of rehabilitation. Most young adults in the criminal justice system will have had their needs assessed in the youth justice system. For those that have not, or for whom there are gaps, there should be a policy of universal screening by prisons and probation services for mental health needs, neuro-developmental disorders, maturity and neuro-psychological impairment, using specified tools developed by NOMS with the support of the Ministry of Justice. This will enable suspected need to be identified consistently and facilitate expert testing and/or responsive individualised support as well as providing evidence of collective levels of need to support commissioning and co-commissioning of specialist health, education, training and other services for young adult offenders.***

A distinct approach with specialist staff

144. ***A specialised approach should be taken to staffing prison and probation services work with young adults, underpinned by more in-depth training. This would enable stronger expertise to be developed effectively to address the behaviours typical of lack of emotional maturity, which includes impulsive, ill-considered actions and non-consequential decision making. Such an approach is likely to be less costly and more effective than widespread in-depth training that would be required for the necessary cultural change to occur amongst all criminal justice professionals who come into contact with young adults. The need to foster desistance must be addressed in the Ministry's forthcoming prison safety and reform plan which should include as part of a strategy for the management of young adults a commitment to ensuring that prison and probation caseloads for this group are sufficiently small to allow meaningful trusting relationships to be developed to facilitate safeguarding and rehabilitation.***

Governance

Building the evidence base

145. ***We are encouraged by the Secretary of State's emphasis on MoJ policy and practices taking an evidence-based approach. We do not accept the Government's argument that the proportion of young adults in prison and probation caseloads precludes them from developing a distinct approach and believe that the evidence provides a compelling case for change. Adopting a distinct approach towards young adults is likely to result in improvements in the ways in which they are managed and supported in the criminal***

justice system which would improve outcomes and reduce costs. The MoJ must act swiftly to minimise the risk that in the context of shrinking budgets young adults will become less of a priority, particularly as there are not currently incentives for criminal justice services to invest in practices which may result in savings to other departments' and agencies' budgets rather than their own.

146. ***Reforms to governor autonomy and the delivery of probation services should not release the MoJ and NOMS from responsibility for stimulating centrally developments in potentially effective practice, expanding the availability of promising programmes, and of robustly evaluating them. A strategic approach should be adopted to collating and analysing existing data, developing the evidence base, identifying gaps in knowledge about how best to treat young adults, providing incentives to governors and probation services for devising and testing new approaches, and disseminating good practice. The MoJ should examine whether a case can be made for investment to facilitate this through the £1.3bn estate modernisation budget, including through the creation of an equivalent of a pupil premium, both for prisons and for CRCs, in recognition of the behavioural challenges young adults pose, the opportunity to repair neurological impairments while their brains are still developing, and their need for more intensive support.***

Cross-departmental reform

147. ***Cross-government recognition must be given to the need to promote desistance among those involved in the criminal justice system by offering the possibility of extending statutory support provided by a range of agencies to under 18s to up to 25 year olds, including through legislative change if necessary. Young adults are treated distinctly by a range of other Government departments, including some which preside over dedicated policies which can hinder the chances of young adults who do not have support networks from desisting from crime. If young adults are to be given the best opportunities to become law-abiding there is a need for a coherent cross-departmental approach that recognises this and seeks to remove structural barriers to gaining sustainable employment, affordable accommodation and developmentally appropriate mental health services, for example, the lower minimum wage and housing and employment benefit entitlements.***

148. ***Legislative provision to recognise the developmental status of young adults may be necessary both to demonstrate political courage in prioritising a better and more consistent approach to the treatment of young adults who offend and to provide a statutory underpinning to facilitate the shift required within the range of cross-government agencies that support young adults. Nevertheless, we acknowledge the resource implications and re-structuring services might be costly to the public purse at least in the short-term, although we believe the cost-benefits are likely to make this worthwhile.***

149. ***Enabling young adults to form non-criminal identities following their involvement in the criminal justice system will require a change in the treatment of their criminal records. We support the Government initiative on banning the box—removing the requirement to disclose criminal convictions in application forms—and hope that it remains an imperative under the new Prime Minister, but reforms may need to go***

further, including legislative change for young adults to expunge records, incentives for employers to employ ex-offenders, and deferred prosecutions. We will consider this fully in our inquiry on criminal records.

Courts and sentencing

Prosecutions and sentencing

150. ***We note that the inclusion of maturity as part of a mitigating factor may have lessened the likelihood of age being taken into account in the sentencing of young adults. The Sentencing Council should conduct further research on the impact of this factor in sentencing decisions for 18 to 25 year olds. We would encourage the Director of Public Prosecutions to evaluate the impact of the inclusion of age and maturity in the Code for Crown Prosecutors to satisfy herself that its use reflects properly the maturity of young adult suspects, which may be hidden.***

151. ***There is sufficient flexibility within the community sentencing framework to enable developmentally appropriate practices to be adopted by probation services, underpinned by better assessment and incentives to develop and expand existing initiatives.***

Young adult courts

152. ***The potential of young adult courts are worth testing, particularly if they can be developed cost-neutrally using the expertise of youth sentencers. If the results of the pilots and welcome evaluation are positive in terms of young adults' experiences and outcomes, the Secretary of State for Justice, Lord Chief Justice, and HMCTS should facilitate such initiatives being adopted more widely.***

Prisons

153. ***The current conditions in the custodial estate meant that opportunities are being missed to seek to repair the harm that young adults are likely to have experienced in their lives with the risk of hard-wiring challenging behaviours as full brain development is achieved. Imprisonment within unsafe conditions and without purpose is likely to compound their involvement in the system and at worst contribute to violence and further self-inflicted deaths. It is well-evidenced in Lord Harris's review that policies and practices to safeguard young adult prisoners are under-resourced and hence inoperable. The MoJ and NOMS should either act urgently to recruit and retain more prison officers or the Government should seek to adjust the current sentencing framework to reduce the population to manageable levels by shifting to alternative community-based means effectively to promote public safety.***

154. ***Developing appropriate responses to young adults in the custodial estate is complicated by the existing legislative position for detention in a young offender institution for 18 to 20 year olds. The simplest resolution to this is to extend in the forthcoming reform bill the sentence up to the age of 25 and maintain dual categorisation in those institutions that have already been designated as such. The YOI element of the sentence must be given real meaning through the adoption of a strategic approach to the placement of young adults in appropriate accommodation according to their needs, the***

options for which are currently unduly narrow, and the development of new initiatives which are more appropriate to their needs. Before this can happen it is imperative that the inexcusable gaps in the research evidence regarding the best strategies for holding young adults in prisons are urgently addressed. This will necessitate the Ministry of Justice, NOMS and prison governors finding means of testing empirically various models of holding young adults, including an examination of the costs and benefits. This should include small dedicated units within prisons holding older adults; a small number of dedicated institutions; piloting of specialist dedicated officers with smaller caseloads, and enhanced provision of therapeutic support. Where young adults are held in mixed institutions there should be a recognised cap on numbers and benchmarking levels should reflect the need for better ratios of staffing.

155. ***Whole prison approaches should be developed to reduce victimisation and bullying in prisons, within wider strategies on managing violence, to focus on minimising harmful behaviour and addressing its underlying causes through the widespread use of restorative justice and trauma-informed approaches. The IEP scheme should be replaced with a more sophisticated and flexible system of reward and incentives to encourage positive behaviour. Mechanisms should be found to expand within prisons existing promising programmes and focus violence reduction efforts on assessing needs, dealing with trauma and building life skills and resilience, with the provision of specialist support being made available for prisoners with unresolved and/or recent experiences of trauma, loss, abuse and bereavement. We welcome the NICE guidelines specifically for management of neuro-disabilities including brain injury in criminal justice system. The MoJ and NOMS should work with health services to incentivise an expansion of provision to address neuro-disabilities, mental ill health, and learning and communication needs based on a systematic assessment of need.***

Conclusions and recommendations

The case for change to the treatment of young adults in the criminal justice system

1. Research from a range of disciplines strongly supports the 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 developmental maturation process that takes place in this age group. In the context of the criminal justice system this is important as young people who commit crime typically stop doing so by their mid-20s. Those who decide no longer to commit crime can have their efforts to achieve this frustrated both by their previous involvement in the criminal justice system due to the consequences of having criminal records, and limitations in achieving financial independence due to lack of access to affordable accommodation or well-paid employment as wages and benefits are typically lower for this age group. (Paragraph 14)

2. In our view there is a strong case for a distinct approach to the treatment of young adults in the criminal justice system. Young adults are still developing neurologically up to the age of 25 and have a high prevalence of atypical brain development. These both impact on criminal behaviour and have implications for the appropriate treatment of young adults by the criminal justice system as they are more challenging to manage, harder to engage, and tend to have poorer outcomes. For young adults with neuro-disabilities maturity may be significantly hindered or delayed. Dealing effectively with young adults while the brain is still developing is crucial for them in making successful transitions to a crime-free adulthood. They typically commit a high volume of crimes and have high rates of re-offending and breach, yet they are the most likely age group to stop offending as they 'grow out of crime'. Flawed interventions that do not recognise young adults' maturity can slow desistance and extend the period of involvement in the system. (Paragraph 24)

Current approaches towards young adults in the criminal justice system

3. We consider that existing governance arrangements are unsatisfactory as they fail to take account both of the distinct needs of young adults up to the age of 25 and of the importance of understanding the level of maturity of all young adults to treat them effectively in recognition of their individual circumstances. There is no clearly defined strategy and the various age definitions applied by the Ministry of Justice are both confusing and do not inspire the coherent approach that young adults require if they are to engage effectively in their rehabilitation. (Paragraph 32)

4. In their policies and their guidance, the Ministry of Justice and NOMS do not appear to give sufficient weight to the implications of brain maturation for young adult men and women aged 21 to 25. Even for those aged 18 to 20 they lack a strategic differentiation in approach, particularly in prisons, for both male and female prisoners. (Paragraph 44)

5. The majority of our evidence recognises that there is an emerging interest in criminal justice agencies in treating young adults more appropriately, but argues that for the most part this has not been Government driven. There is little specific policy or legislation from the Ministry of Justice focused on this age group: most youth and adult justice policy and legislation is split on the basis of chronological age at 18. Coupled with inconsistent application of the definition of young adults in operational practice, this has created a system in which the distinct needs of young adults and the potential to assist them in turning away from crime are largely overlooked and at best treated inconsistently. In the absence of policy change the National Offender Management Service has focused on the promotion of guidance for practitioners and commissioners and emphasised training by individual prison establishments and by CRCs. (Paragraph 52)

6. We welcome the Ministry of Justice's commitment to develop a maturity assessment. The absence within this of screening for mental disorders, neuro-disabilities and learning and communication needs has resulted in a missed opportunity to develop a comprehensive assessment. This is short-sighted as such screening would enable a thorough understanding of individual needs and underpin better informed commissioning decisions for the services young adults need to address their offending. Our evidence suggests that the equivalent tool used in the youth justice system could be adapted easily, and indeed is already being used informally in young adult YOIs. (Paragraph 53)

7. The Government's current penal reform agenda indicates that significant structural changes are being considered, and indeed may be necessary financially. However, the lack of central decision making on young adults' policy and practice has not been addressed explicitly within their plans. The MoJ and NOMS have side-stepped the issue of the anomaly of dedicated prison sentences for 18 to 20 year olds by designating many institutions YOIs as well as prisons but has neither ensured that mixed establishments have strategies for dealing with young adults, nor addressed the distinct needs of 22 to 25 year olds, resulting in a lack of robust evidence. The evidence shows that young adult prisoners are disproportionately more likely to engage in, and experience prison violence, and that bullying and violence is an enduring and worsening problem both in YOIs and mixed institutions. Without more explicit recognition of this, cohort outcomes are likely to remain poor and the evidence base for developing policy and practice is unlikely significantly to improve. (Paragraph 64)

8. The MOJ and NOMS accept the evidence that young adults mature up to their mid-20s, but their policies do not reflect this, especially in relation to 22 to 25 year olds. We welcome NOMS guidance which recognises that, by virtue of their developmental status and gender differences, young adults are likely to need managing in particular ways, but this has not translated systematically into practice. This is particularly the case in prisons, where we found no evidence of a strategy for the management of young adults, either in dedicated or mixed institutions. There is no routine screening and the prevalence of neuro-disabilities, mental disorder, and learning and communication needs is not known, resulting in inconsistent treatment, few dedicated approaches, a lack of sentence planning and, of utmost concern to us, very poor outcomes. We have major concerns about the time young adults are spending

in their cells, the volume of disciplinary measures, and reoffending rates. While we understand the challenges of balancing responses to risks and needs, if the latter are not known and resources are not available to address them appropriately, practice weighs significantly on risk which is of little benefit to young adults who wish to give up crime, and indeed may compound their likelihood of remaining involved with the criminal justice system. (Paragraph 67)

9. There is limited evidence on the interventions which work effectively to reduce offending by young adults. This is partially due to the fact that young adults have not been clearly defined by the Ministry of Justice or NOMS as a group warranting differential treatment. Neither have they actively sought to understand what interventions work best with this cohort. It is important that this is addressed urgently as misdirected interventions can serve to increase criminality in young adult offenders. (Paragraph 68)

10. Current approaches to the treatment of young adults involved in the criminal justice system are not consistently developmentally appropriate. They do not sufficiently recognise the strong evidence on brain development, maturity, and the impact of cognitive impairments on how young adults experience the system. Neither do they seek to lessen the potentially detrimental effects of the system itself on development. The system is therefore not as effective as it could be in reducing offending by young adults, or improving their life chances following their involvement within it, and in some cases their treatment further compounds the problem. (Paragraph 76)

11. We welcome the inclusion of considerations of maturity in the Crown Prosecutors' Code and Sentencing Council guidelines. However, it is not clear what impact these efforts to reflect the maturational development of young adults have had in practice. Neither CPS investigating prosecutors nor sentencers have a sufficiently sophisticated understanding of maturity to weigh up how it may affect young adults' culpability. In addition they do not routinely have the necessary information on which to make robust assessments about an individual's maturity and hence take account of this in their reasoned prosecution and sentencing decisions. It is likely therefore that maturity is only considered primarily in cases where there is extreme immaturity. (Paragraph 77)

12. The impact on young adults of moving away from the better resourced and more supportive environment of the youth justice system to adult services may be stark and require intensive management. Strong leadership has been exercised by the Youth Justice Board, National Probation Service and NOMS in recognising the critical importance of this transition and the risk that the process of implementing the Transforming Rehabilitation reforms might undermine existing practice. Although there is some evidence that these arrangements are not always working well, particularly in relation to the sharing of data, we welcome the robust measures that they have put into place to ensure strong partnership working and the necessary information sharing to minimise the disruption young adults face in navigating the inevitable fault line between the services. We note that there is potential for resource pressures to undermine the established practice of youth offending teams retaining young adults who become 18 while they finish serving their sentence with the risk that any progress made in the youth justice system could be lost. (Paragraph 84)

13. Advocates, sentencers and prosecutors are not sufficiently cognisant of brain development and neuro-disabilities for several reasons. Our evidence suggests that they tend to pick up those who are manifestly immature compared to their peers, and therefore perhaps the most serious cases, but they do not appear to be considering these matters for young adults as a matter of course. Practices therefore do not reflect adequately the evidence on typical brain development. (Paragraph 85)

Options for change

14. We understand the Youth Justice Board's reticence to extend the youth justice system to young adults, and agree that this is not a worthwhile solution given the statutory context. Nevertheless, arbitrary removal of support at the age of 18 does not reflect the evidence on brain development and maturation and the Government is obliged to take account of age under international human rights law relating to detention. It would be counterproductive if reductions in statutory funding affects the extended support provided to some young adults by the youth justice system. (Paragraph 96)

15. The Government's approach not to define young adults as having distinct needs and accordingly to facilitate appropriate responses has limited opportunities to further collective knowledge on effective practice. With the right intervention, one that takes account of the developmental maturity and particular needs of this group, young adults are far more likely to 'grow out of crime'. (Paragraph 98)

16. Relationships with trusted, credible, and understanding practitioners and with supportive families and other networks are of critical importance in comprehending as fully as possible the nature of young adults' risks and vulnerabilities and supporting them to stop offending and developing their resilience and maturity. We agree with the Ministry that safety in prisons should be everyone's responsibility, but in failing to accept one of the central recommendations of the Harris Review—that young adults in custody need a designated person to engage, challenge, and support the—it has undervalued the role they would play in fostering desistance. (Paragraph 106)

17. Consideration of maturity and understanding of the need for developmentally appropriate treatment is intrinsic in youth court processes, including training for magistrates. Extending these approaches to young adults without changing the legislative framework would capitalise on trained youth magistrates whose expertise is underused due to falling caseloads in youth justice. While these principles could be applied to all criminal court processes, we recognise that the costs of training all sentencers to take a developmentally appropriate approach would be prohibitive. We look forward to hearing more from the Government about its potential plans for expanding the use of problem-solving courts when they announce their proposals for court reform. (Paragraph 113)

18. The MoJ has recognised that the operation of the custodial estate for young adults needs to change to take account of their distinctive needs but has not articulated what that means. The detention in a young offender institution (DYOI) sentence was originally conceived to offer extra protection and support to young adults because of their developing maturity. This has been rendered meaningless by the effective lack of differential treatment in the custodial estate. The extent to which

the specific needs of young adults can be managed adequately, let alone effectively, in either distinct or mixed institutions is not clear. The Ministry and NOMS have not provided a robust evidential basis for their decisions to close several dedicated institutions. Indeed we have not seen any evidence that outcomes for young adults under different placement scenarios have been evaluated at all. We welcome their assurances that they are willing to revisit the government's response to the Harris Review which has been disappointingly timid. While we welcome programmes which NOMS has recently developed under the violence reduction programme, these do not go far enough in creating developmentally appropriate responses to the management of behaviour, including violence. (Paragraph 120)

19. We have found limited evidence of innovative practice with young adults in prisons, even in the young adult prison estate for 18 to 21 year olds. Provision to address the needs of young adult offenders with mental disorders, neuro-disabilities, well-being needs stemming from trauma, and other learning and communication difficulties is particularly poor. We are not currently convinced that developmentally appropriate responses will flourish within the existing arrangements for managing young adults in custodial institutions without a step change in direction from the centre. The over-riding emphasis on safety may be necessary in the short-term but it cripples the system from engaging more effectively. The possibility of taking distinct approaches to young adults through specialist training and developmentally appropriate interventions is limited if they are integrated with older adults. (Paragraph 123)

20. While high levels of violence and bullying have been enduring problems in institutions holding young adults and have become endemic in their culture, this is not inevitable. The incentives and earned privileges scheme and punitive and restrictive measures to prevent violence, including shockingly long hours of being restricted to cells and high levels of adjudications are short-term means of managing a risky and vulnerable population. Such action does little to address underlying behaviour and is largely ineffective as a means of deterrence. Measures which focus on positive encouragement and which seek to understand the reasons underlying their conduct will be more successful in achieving changes in behaviour. (Paragraph 128)

21. Prison population levels and resources for staffing are now such that the population cannot safely be managed without confining young adult prisoners for significant periods of the day. There is little worth in improving education, employment and mental health support if they cannot be accessed. This renders one of the purposes of imprisonment—to rehabilitate—wholly redundant. Of course it is imperative that safety is the priority within prisons, but society also expects that prisoners will be released having a greater chance of living law abiding lives, and the extent to which prisons are promoting the purpose of public safety, other than for the often short duration of a prison sentence, is also minimised by this policy. The strain under which the prison system is operating means that it cannot be effective at rehabilitating young adults whose brains are still developing and for whom it is especially important. (Paragraph 129)

22. Our evidence from probation services suggests that there is sufficient flexibility within the adult community sentencing framework to facilitate a distinct approach to young adults in the community without legislative change. Developmentally

appropriate responses are feasible within this framework—including through conditional cautions and rehabilitation requirements, attendance centres and intensive schemes—and appear to have flourished under the Transforming Rehabilitation reforms in some CRC areas although there are inconsistencies. This is dependent on CRCs recognising the benefits of developmentally appropriate responses, either collectively or on an individual basis following assessments of maturity, and on sentencers choosing to use them. Police and Crime Commissioners are well-positioned strategically to champion and co-ordinate more effective approaches, including diversionary approaches, and have been able to leverage multi-agency resources, including funding for victims' services and partnerships with local authorities and health services. (Paragraph 136)

23. Young adults offend the most but have the most potential to stop offending. They are resource intensive as they are challenging to manage. A strong case could be made for recognising that expenditure to make the system more developmentally responsive would pay dividends in reduced costs to the system in reducing incidents of violence and to society in reducing offending and the creation of further victims. The Ministry of Justice has not clearly articulated to us why it has not acted decisively to develop a systematic new approach to young adults, given the weight of evidence. The lack of action denotes an absence of leadership, both Departmentally and within NOMS, and tinkering around the edges misses clear opportunities to seek to prevent the cycle of offending continuing, creating more victims in the process. (Paragraph 139)

Blueprint for a strategic approach to the treatment of young adults in the criminal justice system

24. There is overwhelming evidence that the criminal justice system does not adequately address the distinct needs of young adults. Scientific and sociological understanding of the development of young people and the factors which may dispose them to criminal behaviour or to desist from that behaviour has made recent important advances. Our inquiry has also taken place at a time of significant policy change, both in announcements of reforms to the operation of prisons and to the delivery of youth justice services and the embedding of reforms made by the previous Government to probation services and the commencement of some devolution of criminal justice budgets. While much of the detail is not yet known, in particular about the nature of reforms to prisons and the autonomy of governors, there has been a notable absence of resolution regarding the Government's strategy for young adults despite assurances being given in the MoJ's response to the Harris Review and in evidence to us that it was being considered as part of the prison reform agenda. We have not seen any compelling evidence of why it has not been courageous in its strategy for young adults, rather than hiding behind existing and outdated legislation which it is within its gift to seek to change. In the light of the Government's failure to act and in recognition of the weight and wealth of evidence provided to us in the course of our inquiry, as well as the overwhelming enthusiasm within the sector for change, we present our recommendations to the Government in the form of a blueprint for a strategic framework which we expect to be adopted as part of their forthcoming reform plan. (Paragraph 140)

25. *Both age and maturity should be taken into significantly greater account within the criminal justice system. The rationale of the system for young adults should presume that up to the age of 25 young adults are typically still maturing. A developmental approach should be taken that recognises that how they perceive, process and respond to situations is a function of their developmental stage and other factors affecting their maturity, and secondarily their culture and life experience. Navigating the system is particularly challenging for those with neuro-disabilities, neuro-developmental disorders, mental disorders and learning and communication needs, many of which co-exist and compound each other, and which are exacerbated by the trauma that many young adults have recently experienced. There must be a step change in policy and practice to recognise that, while most young adults involved in crime want to change, their distinct developmental status and neurological impairments impact on their experience of the system and their capacity to desist from crime. Guidance alone will not provide this.* (Paragraph 141)

26. *The strategic approach to young adults should be founded on the clear philosophy that the system should seek to acknowledge explicitly their developmental status, focus on young adults' strengths, build their resilience and recognise unapologetically the degree of overlap between their status as victims and offenders. A common understanding of maturity should be devised by the Government which recognises typical and atypical maturation amongst young adults and is applied across the criminal justice system. Understanding of brain development, neuro-disabilities and trauma-informed approaches should be mandatory within basic prison and probation officer training. Both these elements would create cultural change in the treatment of this cohort by fostering a stronger understanding amongst all criminal justice professionals of the factors that bring young adults into the system and those which influence their ability to change their behaviour, which is not just about punishment and managing risk.* (Paragraph 142)

27. *The strategy must also address the current unacceptable situation that the prevalence amongst prisoners and those supervised by the probation service of a range of disabilities, disorders, cognitive difficulties, and forms of emotional trauma are both unknown and largely unaddressed, affecting their behaviour and prospects of rehabilitation. Most young adults in the criminal justice system will have had their needs assessed in the youth justice system. For those that have not, or for whom there are gaps, there should be a policy of universal screening by prisons and probation services for mental health needs, neuro-developmental disorders, maturity and neuro-psychological impairment, using specified tools developed by NOMS with the support of the Ministry of Justice. This will enable suspected need to be identified consistently and facilitate expert testing and/or responsive individualised support as well as providing evidence of collective levels of need to support commissioning and co-commissioning of specialist health, education, training and other services for young adult offenders.* (Paragraph 143)

28. *A specialised approach should be taken to staffing prison and probation services work with young adults, underpinned by more in-depth training. This would enable stronger expertise to be developed effectively to address the behaviours typical of lack of emotional maturity, which includes impulsive, ill-considered actions and non-consequential decision making. Such an approach is likely to be less costly and more*

effective than widespread in-depth training that would be required for the necessary cultural change to occur amongst all criminal justice professionals who come into contact with young adults. The need to foster desistance must be addressed in the Ministry's forthcoming prison safety and reform plan which should include as part of a strategy for the management of young adults a commitment to ensuring that prison and probation caseloads for this group are sufficiently small to allow meaningful trusting relationships to be developed to facilitate safeguarding and rehabilitation (Paragraph 144)

29. *We are encouraged by the Secretary of State's emphasis on MoJ policy and practices taking an evidence-based approach. We do not accept the Government's argument that the proportion of young adults in prison and probation caseloads precludes them from developing a distinct approach and believe that the evidence provides a compelling case for change. Adopting a distinct approach towards young adults is likely to result in improvements in the ways in which they are managed and supported in the criminal justice system which would improve outcomes and reduce costs. The MoJ must act swiftly to minimise the risk that in the context of shrinking budgets young adults will become less of a priority, particularly as there are not currently incentives for criminal justice services to invest in practices which may result in savings to other departments' and agencies' budgets rather than their own.* (Paragraph 145)

30. *Reforms to governor autonomy and the delivery of probation services should not release the MoJ and NOMS from responsibility for stimulating centrally developments in potentially effective practice, expanding the availability of promising programmes, and of robustly evaluating them. A strategic approach should be adopted to collating and analysing existing data, developing the evidence base, identifying gaps in knowledge about how best to treat young adults, providing incentives to governors and probation services for devising and testing new approaches, and disseminating good practice. The MoJ should examine whether a case can be made for investment to facilitate this through the £1.3bn estate modernisation budget, including through the creation of an equivalent of a pupil premium, both for prisons and for CRCs, in recognition of the behavioural challenges young adults pose, the opportunity to repair neurological impairments while their brains are still developing, and their need for more intensive support.* (Paragraph 146)

31. *Cross-government recognition must be given to the need to promote desistance among those involved in the criminal justice system by offering the possibility of extending statutory support provided by a range of agencies to under 18s to up to 25 year olds, including through legislative change if necessary. Young adults are treated distinctly by a range of other Government departments, including some which preside over dedicated policies which can hinder the chances of young adults who do not have support networks from desisting from crime. If young adults are to be given the best opportunities to become law-abiding there is a need for a coherent cross-departmental approach that recognises this and seeks to remove structural barriers to gaining sustainable employment, affordable accommodation and developmentally appropriate mental health services, for example, the lower minimum wage and housing and employment benefit entitlements.* (Paragraph 147)

32. *Legislative provision to recognise the developmental status of young adults may be necessary both to demonstrate political courage in prioritising a better and more consistent approach to the treatment of young adults who offend and to provide a statutory underpinning to facilitate the shift required within the range of cross-government agencies that support young adults. Nevertheless, we acknowledge the resource implications and re-structuring services might be costly to the public purse at least in the short-term, although we believe the cost-benefits are likely to make this worthwhile.* (Paragraph 148)

33. *Enabling young adults to form non-criminal identities following their involvement in the criminal justice system will require a change in the treatment of their criminal records. We support the Government initiative on banning the box—removing the requirement to disclose criminal convictions in application forms—and hope that it remains an imperative under the new Prime Minister, but reforms may need to go further, including legislative change for young adults to expunge records, incentives for employers to employ ex-offenders, and deferred prosecutions. We will consider this fully in our inquiry on criminal records.* (Paragraph 149)

34. *We note that the inclusion of maturity as part of a mitigating factor may have lessened the likelihood of age being taken into account in the sentencing of young adults. The Sentencing Council should conduct further research on the impact of this factor in sentencing decisions for 18 to 25 year olds. We would encourage the Director of Public Prosecutions to evaluate the impact of the inclusion of age and maturity in the Code for Crown Prosecutors to satisfy herself that its use reflects properly the maturity of young adult suspects, which may be hidden.* (Paragraph 150)

35. *There is sufficient flexibility within the community sentencing framework to enable developmentally appropriate practices to be adopted by probation services, underpinned by better assessment and incentives to develop and expand existing initiatives.* (Paragraph 151)

36. *The potential of young adult courts are worth testing, particularly if they can be developed cost-neutrally using the expertise of youth sentencers. If the results of the pilots and welcome evaluation are positive in terms of young adults' experiences and outcomes, the Secretary of State for Justice, Lord Chief Justice, and HMCTS should facilitate such initiatives being adopted more widely.* (Paragraph 152)

37. *The current conditions in the custodial estate meant that opportunities are being missed to seek to repair the harm that young adults are likely to have experienced in their lives with the risk of hard-wiring challenging behaviours as full brain development is achieved. Imprisonment within unsafe conditions and without purpose is likely to compound their involvement in the system and at worst contribute to violence and further self-inflicted deaths. It is well-evidenced in Lord Harris's review that policies and practices to safeguard young adult prisoners are under-resourced and hence inoperable. The MoJ and NOMS should either act urgently to recruit and retain more prison officers or the Government should seek to adjust the current sentencing framework to reduce the population to manageable levels by shifting to alternative community-based means effectively to promote public safety.* (Paragraph 153)

38. *Developing appropriate responses to young adults in the custodial estate is complicated by the existing legislative position for detention in a young offender institution for 18 to 20 year olds. The simplest resolution to this is to extend in the forthcoming reform bill the sentence up to the age of 25 and maintain dual categorisation in those institutions that have already been designated as such. The YOI element of the sentence must be given real meaning through the adoption of a strategic approach to the placement of young adults in appropriate accommodation according to their needs, the options for which are currently unduly narrow, and the development of new initiatives which are more appropriate to their needs. Before this can happen it is imperative that the inexcusable gaps in the research evidence regarding the best strategies for holding young adults in prisons are urgently addressed. This will necessitate the Ministry of Justice, NOMS and prison governors finding means of testing empirically various models of holding young adults, including an examination of the costs and benefits. This should include small dedicated units within prisons holding older adults; a small number of dedicated institutions; piloting of specialist dedicated officers with smaller caseloads, and enhanced provision of therapeutic support. Where young adults are held in mixed institutions there should be a recognised cap on numbers and benchmarking levels should reflect the need for better ratios of staffing.* (Paragraph 154)

39. *Whole prison approaches should be developed to reduce victimisation and bullying in prisons, within wider strategies on managing violence, to focus on minimising harmful behaviour and addressing its underlying causes through the widespread use of restorative justice and trauma-informed approaches. The IEP scheme should be replaced with a more sophisticated and flexible system of reward and incentives to encourage positive behaviour. Mechanisms should be found to expand within prisons existing promising programmes and focus violence reduction efforts on assessing needs, dealing with trauma and building life skills and resilience, with the provision of specialist support being made available for prisoners with unresolved and/or recent experiences of trauma, loss, abuse and bereavement. We welcome the NICE guidelines specifically for management of neuro-disabilities including brain injury in criminal justice system. The MoJ and NOMS should work with health services to incentivise an expansion of provision to address neuro-disabilities, mental ill health, and learning and communication needs based on a systematic assessment of need.* (Paragraph 155)

Annex: Terms of reference

The nature and effectiveness of the Ministry of Justice's strategy and governance structures for dealing with young adult offenders

The suitability of current provision for young adult offenders i) in the community and ii) in custody, including the extent to which there is distinct provision currently.

What is the evidence on how outcomes across a range of measures for young adult offenders compare with other offenders?

Taking into account the findings of the Harris Review, what measures should be prioritised in addressing levels of suicide, self-harm, and violence amongst young adult offenders currently held in custody?

What impact have the Transforming Rehabilitation reforms had on the transition between youth offending teams and probation services?

The Harris Review advocated a distinct approach to young adult offenders. Is this desirable? If so, what would this entail i) in the community and ii) in custody? If not, why?

Should sentence to detention in a young offender institution for 18-20 year old offenders be abolished? If so, what should replace it?

The Harris Review concluded that all young adults in prison are vulnerable and that the experience of being in prison is particularly damaging to them as they are developing. Do you agree?

The Harris Review recommended that more young adults should be diverted from custody and from the criminal justice system. Is it appropriate to seek to divert more young adults from custody and the criminal justice system, and if so, how would this best be achieved?

What legislative or other barriers are there to more appropriate practices for young adult offenders and how could these be overcome?

What impact, if any, has the introduction of maturity as a mitigating factor in sentencing decisions had on sentencing practice for young adults?

Do sentencers have sufficient information to make such assessments?

How could a criminal justice system which would treat young adults on the basis of maturity rather than age operate in practice?

Formal Minutes

Tuesday 18 October 2016

Members present:

Robert Neill, in the Chair

Alberto Costa	Victoria Prentis
Mr David Hanson	Marie Rimmer

Draft Report (*The treatment of young adults in the criminal justice system*), proposed by the Chair, brought up and read the first time.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 155 read and agreed to.

Annex agreed to.

Summary agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 25 October at 9.15am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee's website.

	Question number
Tuesday 10 November 2015	
Dr Nathan Hughes, University of Birmingham, **Professor Sir Anthony Bottoms,** Universities of Cambridge and Sheffield, **Dr Enys Delmage,** Royal College of Psychiatrists and **Dr Prathiba Chitsabesan,** Pennine Care NHS Foundation Trust	Q1–31
Poppy Harrison, Youth Justice Board, **Hannah Doughty,** Association of Youth Offending Team Managers, and **Colin Allars,** National Probation Service	Q32–56
Tuesday 12 January 2016	
Lord Harris of Haringey, Chair of the Harris Review, and **Dr Deborah Browne,** Secretary of the Harris Review	Q57–99
Baroness Young of Hornsey OBE, Chair of the Task Group producing the Young Review, **Jeremy Crook,** Director, Black Training and Enterprise Group, and **Raheel Mohammed,** Director of Maslaha	Q100–152
Rt Hon Lord McNally, Chair, Youth Justice Board, and **Lin Hinnigan,** Chief Executive, Youth Justice Board	Q153–177
Tuesday 2 February 2016	
Dr Kate Gooch, Birmingham Law School, and **Mr Nick Pascoe,** Deputy Director of Custody for Young People, National Offender Management Service	Q178–245
Malcolm Richardson JP, Chairman, Magistrates Association, **Fiona Abbott JP,** Chair of the Youth Court Committee, Magistrates Association, **Ben Estep,** Youth Justice Programme Manager, Centre for Justice Innovation, and **Michael Caplan QC**	Q246–314
Tuesday 12 April 2016	
Stephen Greenhalgh, Deputy Mayor for Policing and Crime, Mayor's Office for Policing and Crime	Q315–346
Andrew Hillas, Head of 18-25 young offender cohort, London Community Rehabilitation Company, **David Ripley,** Director of Resources, Durham Tees Valley Community Rehabilitation Company, and **Grace Strong,** Strategic Partnership Manager, the YAP!	Q347–376
Bernie Kastner, Community Services Manager, St Giles Trust, **Mat Ilic,** Justice Strategy Director, Catch22, and **Bex Mullins,** Young Women's Keyworker, Advance Minerva	Q377–415

Tuesday 26 April 2016

Andrew Selous MP, Parliamentary Under-Secretary of State, Minister for Prisons, Probation and Rehabilitation, Ministry of Justice, and **Michael Spurr,** Chief Executive, National Offender Management Service — Q416–459

Angela Cossins, Deputy Director, National Probation Service, **Max Rutherford,** Criminal Justice Programme Manager, Transition to Adulthood Alliance, Barrow Cadbury Trust, and **Huw Williams,** Professor of Clinical Neuropsychology and Co-Director of the Centre for Clinical Neuropsychology Research, Exeter University — Q460–490

Published written evidence

The following written evidence was received and can be viewed on the inquiry publications page of the Committee's website.

YAO numbers are generated by the evidence processing system and so may not be complete.

1 A constituent of Robert Buckland QC MP (YAO0040)
2 Addaction (YAO0003)
3 Barrow Cadbury Trust (YAO0010)
4 British Association Of Social Workers (YAO0044)
5 British Psychological Society (YAO0037)
6 BTEG (Black Training & Enterprise Group) (YAO0031)
7 Catch22 (YAO0030)
8 Centre For Justice Innovation (YAO0006)
9 Clinks (YAO0012)
10 Cornwall & Isles Of Scilly Youth Offending Service (YAO0025)
11 Criminal Justice Alliance (YAO0026)
12 DLNR CRC/ The Yap! (YAO0011)
13 Dr Nathan Hughes (YAO0015)
14 Durham Tees Valley Community Rehabilitation Company (YAO0045)
15 Equality And Human Rights Commission (YAO0004)
16 Headway - The Brain Injury Association (YAO0041)
17 HM Inspectorate Of Prisons (YAO0032)
18 Inquest (YAO0035)
19 KSS CRC (YAO0046)
20 London Community Rehabilitation Company (YAO0049)
21 Maslaha (YAO0034)
22 Ministry of Justice (YAO0064)
23 Ministry Of Justice (YAO0018)
24 MOPAC (YAO0038)
25 Nacro (YAO0021)
26 National Offender Management Service (YAO0056)
27 National Offender Management Service (YAO0061)
28 Northumbria, Pcc (YAO0005)
29 Prison Advice And Care Trust (YAO0027)
30 Prison Reform Trust (YAO0017)
31 Prisoners' Education Trust (YAO0020)
32 Professor Gwyneth Boswell (YAO0055)
33 Professor Huw Williams (YAO0062)

34 Professor Sir Anthony Bottoms (YAO0022)
35 Restorative Justice Council (YAO0016)
36 Revolving Doors Agency (YAO0013)
37 Royal College Of Psychiatrists (YAO0033)
38 Royal College Of Speech And Language Therapists (YAO0024)
39 Sentencing Council (YAO0063)
40 Spark Inside (YAO0060)
41 St Giles Trust (YAO0009)
42 The Cheshire & Greater Manchester Community Rehabilitation Company Limited (YAO0051)
43 The Howard League For Penal Reform (YAO0023)
44 The Magistrates' Association (YAO0019)
45 Ukabif (YAO0001)
46 University Of Birmingham (YAO0028)
47 User Voice (YAO0043)
48 Working Links (YAO0047)
49 Youth Justice Board (YAO0007)
50 Zahid Mubarek Trust (YAO0042)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Draft Allocation Guideline	HC 404
Second Report	Criminal courts charge	HC 586 (C 667)
Third Report	Appointment of HM Chief Inspector of Prisons and HM Chief Inspector of Probation	HC 624
Fourth Report	Criminal Justice inspectorates	HC 724 (HC 1000)
Fifth Report	Draft sentencing guideline on community and custodial sentences	HC 876
Sixth Report	Prison Safety	HC 625 (HC 647)
First Special Report	Women offenders: follow-up: Government response to the Committee's Thirteenth Report of Session 2014–15	HC 374
Second Special Report	Criminal courts charge: Government Response to the Committee's Second Report of Session 2015-16	HC 667
Third Special Report	Criminal justice inspectorates: Government Response to the Committee's Fourth Report of Session 2015-16	HC 1000

Session 2016–17

First Report	Reduction in sentence for a guilty plea guideline	HC 168
Second Report	Courts and tribunals fees	HC 167
Third Report	Pre-appointment scrutiny of the Chair of the Judicial Appointments Commission	HC 416
Fourth Report	Restorative Justice	HC 164
Fifth Report	Sentencing Council draft guidelines on sentencing of youths and magistrates' court sentencing	HC 646
Sixth Report	The role of the magistracy	HC 165
First Special Report	Prison safety: Government Response to the Committee's Sixth Report of Session 2015–16	HC 647