

Written evidence from The Transition to Adulthood Alliance (T2A)

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

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

T2A's response to this inquiry draws on key evidence presented in its submission to the Committee's inquiry on young adults.¹ It also draws on T2A reports relevant to the experience of young adults in custody and other independent reports and reviews concerning the treatment and conditions of young adults in prison. We have only answered questions within the remit and expertise of the Alliance.

1. What should be the purpose(s) of prisons?

Lord Harris' independent review into the self-inflicted deaths in custody of 18-24 year olds provides a definition of the purpose(s) of prison which holds well for young adults and the prison population more generally:

... the purpose of prison is to hold safely and securely those people sent there by the courts, either because they have been sentenced to imprisonment or because they have been remanded in custody while awaiting trial or sentencing. A prison should provide to those in custody a regime whose primary goal is rehabilitation. The penalty of imprisonment is the removal of liberty; all persons deprived of their liberty shall be treated with respect for their human rights (including the European Convention on Human Rights) and their individual protected characteristics (as defined by the Equality Act 2010). Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which those restrictions are imposed. Life in prison should approximate as closely as possible the positive aspects of life in the community.²

¹ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/young-adult-offenders/written/21967.html>

For young adults, it is important that the purposes of prison, and the programme of estate modernisation and prison reform which flow from these purposes, are tailored to meet the specific needs of this age group. A separate prison estate and a distinct regime with a particular focus on training, education and skills, overseen by suitably trained staff, are important considerations in designing custodial provision for young adults.³ Account should be taken of the specific characteristics and needs of minority groups within the young adult population, including women and BAME groups. We refer the Committee to the findings and recommendations of two recent T2A publications, Meeting the Needs of Young Adult Women in Custody⁴ and The Young Review: Improving outcomes for young black and/or Muslim men in the Criminal Justice System.⁵

How should i) the prison estate modernisation programme and ii) reform prisons proposals best fit these purposes and deal most appropriately with those held?

A new ministerial justice team and a welcome focus on prison safety and reform presents an opportunity to renew and strengthen custodial provision for young adults. In the past few years, the number of young adults in prison has seen a welcome reduction. By the end of June 2016, the number of young adult men (18-20) in custody stood at 3,502.⁶ For women the equivalent figure is 107.⁷ However, as HM Inspectorate of Prisons has highlighted in its annual report 2014-2015, “those who remained in custody were inevitably some of the most vulnerable and troubled young adults.”⁸

The DYOI is an important legislative safeguard for young adults (aged 18-20) sentenced to custody which was specifically designed to ensure that young adults were managed within a distinct prison regime compared to that for older adults. Over the last decade, however, this distinct approach has been eroded by a series of operational changes, including the re-rolling of a number of sole designated young adult YOIs and adult prisons as “mixed” establishments. The result of this is that young adults in prison are held in a variety of establishments, only three of which are dedicated YOIs. T2A’s submission to the Justice Committee inquiry on young adults highlights concerns regarding the impact of mixing on the provision of a distinct regime for young adults and its consequences for their safety and wellbeing.⁹

² Harris, T (2015) Changing Prisons, Saving Lives Report of the Independent Review into Self-inflicted Deaths in Custody, London: HM Stationery Office
of 18-24 year olds

³ See Allen, R (2013) Young adults in custody: the way forward, London: T2A

⁴ Allen, R (2016) Meeting the needs of young adult women in custody, London: T2A

⁵ Young, L (2015) The Young Review: Improving outcomes for young black and/or Muslim men in the Criminal Justice System, London: Barrow Cadbury Trust

⁶ Table 1.2b, Offender management statistics quarterly: January to March 2016, London: Ministry of Justice

⁷ Ibid.

⁸ HM Inspectorate of Prisons (2015) Annual report 2014-2015, London: HM Stationery Office

⁹ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/young-adult-offenders/written/21967.html>

The decline in the number of young adults (aged 18-20) in custody and the resulting freeing up of spare capacity presents an opportunity to develop the young adult estate in a way that reflects the evidence on maturity. T2A would like to see the estate modernisation programme reconfigured, so that all young adults aged 18-25 are held in distinct young adult establishments, and an end to the “mixing” of young adults with adults in dual designated establishments. In the first instance, 18-20s should be sentenced to a properly resourced DYOI, with 21-25 year olds serving their sentences in this distinct regime. In due course, legislative changes would extend the remit of the DYOI up to 25.

We welcome the inclusion of young adults in the criteria for grants being offered by the National Offender Management Service for the voluntary sector to work in the reform prisons. However, it is disappointing that the six reform prisons do not include a designated young adult establishment. The prison reform programme should be an opportunity to test the potential of a distinct regime for young adults to improve outcomes and reduce reoffending. The youth prison in Neustrelitz, in the state of Mecklenburg Western Pomerania in Germany, is a model which could inform the development of such a regime (see Appendix One). We hope that the Ministry of Justice will designate a sole designated YOI, or other establishment where young adults form the majority of the population, as a reform prison at a later stage of the programme.

What should be the roles, responsibilities and accountabilities of

i) prison staff

ii) prison governors

iii) National Offender Management Service

iv) Ministry of Justice officials and Ministers and

v) other agencies and departments

in creating a modern and effective prison system?

We share Lord Harris’ view that the key factor in delivering an effective prison regime for young adults is strong leadership. This needs to come from the very top of government and be reflected in the priorities of Ministry of Justice and NOMS officials, prison governors and staff. Lord Harris’ review found that “for prisoners to be safer and more effectively engaged in their rehabilitative process, there needs to be stronger leadership and commitment to that purpose shown by Ministers, NOMS senior management, and prison Governors. The responsibility for ensuring that young adults in custody are rehabilitated and their well-being is delivered ultimately rests with Ministers and with NOMS who need to ensure that this is a priority for all prisons and that prisons are resourced adequately to deliver it. Within an individual establishment the Governor needs to provide effective leadership that prioritises that goal.”¹⁰

At the institutional level, it is vital that the governor recognises the specific characteristics of young adults and ensures that the way the establishment is run pays sufficient regard to their distinctive needs. Prison staff working with young adults should receive specialist training to support their work with this demanding

¹⁰ Harris, T (2015) Changing Prisons, Saving Lives Report of the Independent Review into Self-inflicted Deaths in Custody, London: HM Stationery Office

age group. In its 2014-2015 annual report, HM Inspectorate of Prisons reported that “staff in integrated prisons had generally not been trained in managing this group and often did not take their levels of maturity into account when addressing the reasons for the increase in violence.”¹¹ Given the over representation of black and minority ethnic young people in custody, renewed efforts should be made to recruit BAME staff and to address the perceptions of some young people that the system is racist.

It is important that systems are in place to promote the cooperation and sharing of data and information between the different departments and agencies involved in the care and rehabilitation of young adults. This should include arrangements to ensure the close integration of health, social care, education, accommodation and welfare services with police, Crown Prosecution Service, the courts, prisons, and probation services. For this age group, it is particularly important that effective processes are in place to manage the transfer between children and adults justice services. This year, more than 50% of 18 year olds in youth custody were transferred to the adult estate, and the highest proportion of people aged 18 were transferred from YOT to adult probation supervision. However, a thematic review by HM Inspectorate of Probation in early 2016 concluded that the impact of the Transforming Rehabilitation reforms to probation services had had a detrimental impact on the quality and consistency of the transfer process.¹²

2. What are the key opportunities and challenges of the central components of prison reform so far announced by the Government, and their development and implementation?

Despite a welcome shift in tone following David Cameron’s speech in February 2016, and the undertaking of a number of important policy reviews including on youth justice, prison education, disproportionality and Islamic radicalisation and extremism, the government has provided few tangible policy announcements or changes. The government’s emphasis for its reform plans has, so far, largely focused on improving prison conditions and performance.

In relation to young adults, the government has yet to publish the outcome of its 2013 consultation on Transforming the Management of Young Adults in Custody. This consultation had in scope abolition of the DYOI which, if implemented, would undermine the statutory basis of a distinct young adult custodial regime. In the meantime, the growth in dual designated establishments and the increased integration of the young adult with the adult prison population has continued, despite concerns regarding the impact of mixing on safety and rehabilitation. We hope the Committee will use its forthcoming report on its inquiry on young adults to highlight the importance of a distinct approach to this age group and to press the government to publish its response to the consultation.

4. What principles should be followed in constructing measures of performance for prisons?

¹¹ HM Inspectorate of Prisons (2015) Annual report 2014-2015, London: HM Stationery Office

¹² HM Inspectorate of Probation (2016) Transitions Arrangements: A follow-up inspection, London: HM Stationery Office

Effective measures for young adults will require specific commitments and targets for meeting the health and well being needs of the age group, regimes which provide a full daily programme of supervised activities, vocational and work style learning opportunities, effective personal officer schemes, regular contact with family, and highly proactive resettlement programmes. Developing an individualised approach to young adults in custody will require a more thoroughgoing assessment of maturity to be undertaken than is currently the case. T2A's guide for Probation practitioners could relatively easily be adapted for use by prison staff.

7. What are the implications for prison reform of i) the Transforming Rehabilitation programme and ii) devolution of criminal justice budgets now and in the future?

There is an increasing divergence between the approach of the prison service to young adults and that of rehabilitation services in the community. Despite the lack of a central government strategy for young adults in custody, criminal justice agencies in the community have developed a range of measures and service responses to this age group, based on the evidence base, to improve outcomes. In response to the volume and poor outcomes of this group, many former Probation Trusts established dedicated young adults services and teams. This trend has continued following Transforming Rehabilitation, where the majority of Community Rehabilitation Companies have identified young adults (aged 18-25) as a priority and/or distinct group.

London CRC, for example, has established young adult teams with smaller caseloads to provide a distinct service as well as commissioning distinct services, while DNLR CRC has introduced a multi-agency, pan-region Young Adult Project to offer distinct provision at multiple stages of the criminal justice system. Similar initiatives are taking place in Wales, Gloucestershire and Hampshire. Several regions are developing specific sentences for young adults. These include Greater Manchester CRC's Intensive Community Orders, which are specific to young adults aged 18-25. Many CRCs are seeking to build on the single existing legislative provision within community sentences that is specific to young adults aged 18-25, the adult Attendance Centre requirement.

While a number of the developments under Transforming Rehabilitation have been positive for this age group, we also note concerns raised by HM Inspectorate of Probation, highlighted above, regarding the impact of the Transforming Rehabilitation programme on the quality and consistency of the transfer process for young adults in transition from child to adult justice services.¹³ We welcome the strategic priority given to young adults by some CRCs, but would encourage the government to ensure that there is operational consistency in the application of an effective and distinct approach for this age group.

The devolution of criminal justice budgets has helped to encourage the development of young adult specific approaches in local areas despite the lack of central

¹³ HM Inspectorate of Probation (2016) Transitions Arrangements: A follow-up inspection, London: HM Stationery Office

government coordination. Many Police and Crime Commissioners have developed distinct young adult services to work across agencies in local areas. A number of PPCs in metropolitan areas have expressed an interest in having greater oversight over criminal justice budgets for young adults. Matching provision for young adults in custody with the range of young adult specific approaches being developed in the community should be a priority for the government's plans for prison reform.

30 September 2016

Appendix One

International best practice

T2A profiled examples of custodial provision for young adults in other countries as part of its report *Young Adults in Custody: The Way Forward*.¹⁴ In Germany, young people up to 21 can be sentenced either as juveniles or as adults depending on the offence and the maturity of the young offender. Each of the 16 Lander (Regions) has its own criminal justice and prison system.

In the state of Mecklenburg Western Pomerania, visited as part of this study, there is one youth prison in the town of Neustrelitz. As the report highlights, "the youth facility is really a campus, designed for young people aged 14 and above who are in pre-trial detention and youth custody. In exceptional cases young people under 26 can serve prison sentences. It caters for both male and females and includes a unit for the male adolescents and young adults serving a four week detention order. There is also a pre-release open unit from where young people go out to work in the town. The facility has a total of 297 places."

"... There are sufficient places for all young people to do a full working week in one of a wide range of well equipped vocational training workshops. Occupational therapy is provided for vulnerable young people. Young people are paid for work training or education. Recreation and leisure activities include sports (football, athletics), drama and music (including a choir and music lessons), arts (including wood sculpture) and other opportunities such as fire fighting.

"Specialist treatment programmes are provided for violent, sexual, property, drug and traffic offenders with additional programmes for those who cannot live in groups, have unstable personalities, learning difficulties and are potential victims.

"Preparation for Release is highly structured with a standardised transition from custody to community using a programme called (INSTAR). This starts six months before release and involves a clear time line of activities including case conferences and other planning mechanisms using standardised documentation. Special attention is given to those young people with nowhere to go on release through a "Safe landing" programme."

¹⁴ Allen, R (2013) *Young Adults in Custody: The Way Forward*. Available at http://www.t2a.org.uk/wp-content/uploads/2013/11/T2A-Young-Adults-in-Custody_V3.pdf

T2A recommends that a pilot institution for young people should be introduced based on the campus model in Germany. The main elements of the regime are summarised below:

SMALL SIZE • Less than 400

DAILY LIVING • Normalised regime as far as possible. • Lunch in canteen in groups during break from work /education. • Responsible young people able to dine out in the living units. • Small kitchen for young people to prepare snacks.

EDUCATION, TRAINING AND EMPLOYMENT • Sufficient places for all to do full day. • Occupational therapy for those with vulnerabilities. • Education. • Vocational Training in a variety of trades. • Work Opportunities. • Payment for work training and education.

RECREATION AND LEISURE ACTIVITIES • Sports (Football, athletics). • Drama and Music (including Choir and Music lessons). • Arts (including wood sculpture).

TREATMENT PROGRAMMES • Specialist treatment programmes for violent, sexual, property, drug and traffic offenders. • Programmes for those who cannot live in groups, have unstable personalities, learning difficulties and are potential victims.

PREPARATION FOR RELEASE • Standardised and structured transition from custody to community (INSTAR). • Starts 6 months before release. • Case conference. • Standardise documentation • Special programme for those with nowhere to go "Safe landing".