



The Transition to Adulthoods representation to the Comprehensive Spending Review 2020

1. The Transition to Adulthood (T2A) Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice process. It is an alliance of 12 leading criminal justice, health and youth organisations: Addaction, Care Leavers' Association, Black Training and Enterprise Group, Catch22, Centre for Crime and Justice Studies, Clinks, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, Prisoners Education Trust, Prison Reform Trust, Police Foundation, Revolving Doors Agency, and Together for Mental Wellbeing. T2A is convened and funded by the Barrow Cadbury Trust. T2A has contributed to positive change in policy and practice and at central and local levels, its evidence has informed service redesign and delivery nationally and internationally. More information on T2A is available at www.T2A.org.uk.
2. This representation contains proposals for improving outcomes in public services and taking steps to cut crime – two of the priorities for the Comprehensive Spending Review. They would involve upfront investment in distinct approaches for young adults which would result in long term savings to the Treasury.

The case for investment in young adults.

3. The case for a distinctive approach to children under 18 who commit offences has long been accepted. The youth justice system in place for more than 20 years is widely recognised as achieving positive outcomes particularly through the community based work of Youth Offending Teams which provide a multi- disciplinary approach to the prevention of youth crime and the treatment of child offenders; and

via the central coordinating mechanism of the Youth Justice Board.

4. There has been a growing recognition in recent years that young people do not achieve adult maturity on their eighteenth birthday and in many cases the process of adolescent development continues well into the 20's. Despite this status of emerging adulthood, with some notable exceptions, the criminal justice system largely treats young people as adults once they reach the age of 18. Doing so misses the opportunity to provide age appropriate and effective measures for young adults.
5. Young adulthood is a distinctive period of development. T2A has amassed an irrefutable body of evidence about 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 psychosocial 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. 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. This transition and the underlying development of maturity is a process, rather than an event. 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 antisocial decision-making among young adults.
6. Criminal behaviour typically decelerates rapidly in the early 20s, importantly including those who had hitherto been persistent offenders. Those who persist in criminal behaviour into adulthood are more likely to have neuropsychological 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. 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. 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.¹

7. Investment in more positive and tailored approaches to young adults would produce savings in respect of lower reoffending and resulting costs to criminal justice agencies. These have been calculated for T2A as lifetime savings of £300million.² Given the very poor outcomes of imprisonment in relation to mental health, and employability, more constructive and effective diversionary approaches are likely to yield greater savings in terms of lifetime demands made on health and social services.
8. Investing in measures which improve the process of desistance from crime are also likely to have the support of many victims of crime. Evidence suggests that in cases of low level offending, they can be more satisfied with out of court disposals than with court processing.³ Victims are also broadly open to the use of community sentences and the principles that underpin them.⁴ Many want more effective measures that support desistance more effectively than the current system whose outcomes are very poor.⁵

¹ See for example Prior et al 2011 Maturity, young adults and criminal justice: A literature review <https://www.t2a.org.uk/wp-content/uploads/2016/02/Birmingham-University-Maturity-final-literature-review-report.pdf>

² Matrix Evidence 2009 Economic analysis of interventions for young adult offenders https://www.barrowcadbury.org.uk/wp-content/uploads/2011/01/Matrix_Economic_analysis-T2A-2009.pdf

³ Operation Turning Point http://whatworks.college.police.uk/Research/Research-Map/Documents/TP_Storyboard.pdf

⁴ Victim Support /Make Justice Work 2012 Out in the open What victims really think about community sentencing

⁵ Hotchkiss J 2014 Victims want to change, not just punish, offenders <https://www.princeton.edu/news/2014/05/14/victims-want-change-not-just-punish-offenders>

9. A more specialised approach to this age group will also help to tackle the adverse outcomes for black and minority ethnic people who are overrepresented in the criminal justice system.

10. Following an extensive inquiry into young adults in the criminal justice system in 2016 , the House of Commons Justice Select Committee concluded that :
*“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.”*⁶

11. Moreover, the committee also concluded that 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.

12. There is growing evidence about the kinds of approaches which are needed to promote desistance from crime by young adults. Their focus needs to be on developing a stable, pro-social identity; building resistance to peer influence; developing self-sufficiency and independence; increasing future orientation; and strengthening bonds with family and other close relationships.⁷

13. Among the concrete measures which produce positive effects are cognitive behavioural programmes covering criminal thinking and behaviours; matching young adults with appropriate mental health and substance use treatment providers; and establishing a ‘career pathways’ approach which focusses on accessing education, training and employment and skills development, e.g. opening a bank account and managing finances.

⁶ The treatment of young adults in the criminal justice system
<https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/169.pdf>

⁷ See for example National Offender Management Service (2015). Better Outcomes for Young Adult Men, Evidence Based Commissioning Principles. The Council of States Government Justice Center (2017). The Dos and Don'ts for Reducing Recidivism Among Young Adults in the Justice System.

14. The evidence assembled by T2A over the last 12 years has highlighted three main areas where investment is needed. The first is diversion from prosecution. The second priority for investment is in community based supervision of young adults charged with or convicted of offences. The third area is in custody.

Diversion from Prosecution

15. There is strong evidence internationally, and moderate evidence from the UK, that pre-court diversion reduces reoffending; there is moderate evidence that pre-court diversion reduces the costs to the criminal justice system; there is promising evidence on the impact of pre-court diversion on victim satisfaction. Moreover, pre-court diversion may be particularly applicable for young adults.⁸

16. The government is planning to legislate to simplify the framework of out of court disposals so that police will be able to use two tiers of diversion, community resolutions and conditional cautions. In addition, pilots are currently underway to test models of deferred prosecution which were recommended in David Lammy's independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system.

17. All of these options allow police to attach to the disposal some form of condition or action including a service intervention to support the underlying factors that are contributing to offending behaviour or restorative justice. One major study found that victims whose cases were processed through the diversion programme were 43% more satisfied than in those whose cases went to court.⁹

18. In order to make the most of the opportunities to divert young adults away from crime, T2A recommends that the Spending Review allocates sufficient resources for Police and Crime Commissioners to make available a suitable range of

⁸ Centre for Justice Innovation Pre-court diversion for adults A toolkit for practitioners <https://www.t2a.org.uk/wp-content/uploads/2020/05/Adult-diversion-toolkit-FINAL-1.pdf>

⁹ Operation Turning Point http://whatworks.college.police.uk/Research/Research-Map/Documents/TP_Storyboard.pdf

interventions so that young adults involved in low level offending can have the opportunity to make better life choices and avoid further involvement in crime.

Community Supervision

19. For young adults who commit more serious offences and face criminal proceedings, the options available for sentencing them are largely the same as for older adults. Indeed, the Government's proposal to abolish the Attendance Centre Order would remove one of the only distinct court sentences targeting young adults.
20. The successful experience of Youth Justice in respect of under 18s suggest two key lessons about the implementation of generic court ordered disposals which promises better results for young adults. The first is the importance of a multi-agency approach which involves health, education, and the police. The second is the importance of smaller caseloads so that the individual needs of young people can be addressed more comprehensively.
21. In addition, T2A has commissioned work to identify the kind of approaches that probation services need to adopt if they are to properly take account of the developing maturity of young people.¹⁰ These include harnessing the energy and potential enthusiasm among this age group; designing interventions that pay as much attention the individual's wider real life experiences as to their presenting problems; working with individuals to set relevant achievable goals which provide opportunities for praise, developing and sustaining optimism; and recognising that developing brains are moulded by experience and helping this age group access and make the most of pro-social contexts.
22. There are a number of approaches that have been identified as encouraging compliance including setting clear but realistic boundaries and providing more support to help individuals work within them, recognising that those individuals at the younger end of this age group may have less capacity for planning and their

¹⁰ Taking Account of Maturity: A Guide for Probation Practitioners https://www.t2a.org.uk/wp-content/uploads/2013/07/T2A-Maturity-Guide_online.pdf

lifestyles are more likely to be 'chaotic'; and making sentences modular, with short-term intermediate outcomes and milestones that are more quickly reached by young adults, which may suit some who show short-term thinking.

23. Underpinning these approaches are a practice paradigm that looks to create a shift in the way that a young person sees themselves, from an identity that promotes offending to one that promotes a positive contribution to society. The Beyond Youth Custody programme, while focused on young people under the age of 18 shows the importance of agencies providing both structural and personal support to young adults too. This assists in their development of a positive identity and become a new narrative for how they relate to others. Within the framework, young people are recognised as the central agent in their own rehabilitation.¹¹

24. After a period of turbulence, the probation service will be re-unified next year. The White Paper "A Smarter Approach to Sentencing" aims for "probation practitioners to have the time, support and tools to develop productive relationships with those they supervise, to deliver interventions directly, and to place offenders with other rehabilitative services".

25. The Probation Reform Programme provides an opportunity for the service to develop a range of distinctive models for the supervision of young adults serving community sentences, and on licence or post release supervision. T2A sees merit in a fully-fledged multi-agency approach along the lines of Youth Offending teams but in the shorter term, additional investment is needed to enable the commissioning of services from appropriate agencies and service providers; and to develop a more specialist approach to young adults by probation staff.

26. T2A recommends that the Spending Review allocates sufficient funds to the Ministry of Justice to enable the 11 regions in England and the probation service in Wales to develop a specific approach to the supervision of young adult offenders.

¹¹ See for example Now All I care about is my Future : Supporting the shift
<http://www.beyondyouthcustody.net/resources/publications/now-care-future-supporting-shift-summary/>

Custody

27. For the most serious and persistent offenders, courts may consider that a custodial sentence cannot be avoided. For young adults aged 18-20, the sentence of Detention in a Young Offender Institution is available but in recent years there has been a reduction in the number of establishments which solely hold this age group. Most young adults in the 18-20 age group are held in so-called dual designation establishments alongside adults.
28. Research has identified the kinds of custodial approaches that are likely to prove effective with the young adult age group. Key principles include emphasising a strengths-based and desistance focused philosophy; promoting conditions for pro-social identities; reinforcing and rewarding pro-social behaviour; and promoting integrated and responsive service delivery. In addition, a major study has found that “timely identification and subsequent provision of appropriate mental health care in adolescent detention settings has the potential to simultaneously improve mental health outcomes after release from detention and reduce rates of reincarceration.”¹²
29. Putting these principles into practice presents many challenges in a prison environment. For under 18s there is a recognition that the model of Young Offender Institutions has failed, and it is due to be replaced over time with secure schools. For young adults, T2A has promoted the concept of secure colleges.¹³ T2A would like to see a range of distinct options, including the secure college model piloted as part of the Ministry of Justice’s planned creation of 10,000 new prison places. In the shorter term, there is scope for developing specific wings and units in prisons which look to implement the principles of effective practice with young adults. These could build on work done by HMPPS to develop a maturity screening tool and the Choices and

¹² Borschmann et al 2020 The health of adolescents in detention: a global scoping review <https://www.thelancet.com/action/showPdf?pii=S2468-2667%2819%2930217-8>

¹³ Young Adults in Custody: The Way Forward https://www.barrowcadbury.org.uk/wp-content/uploads/2013/10/Young-Adults-in-Custody_V3.pdf

Changes programme by creating a specialised regime for young adults based on evidence of what works from the UK and internationally.

30. **T2A recommends that the Spending review allocates funds for HMPPS to develop and a pilot up to five young adult wings in dual designation establishments to inform future strategy for accommodating this age group in custody.**

Conclusion

31. This is a unique opportunity to make long overdue investment in more age appropriate arrangements for young adults who commit offences. Planned reforms to the legal framework for diversion and to the organisation of the probation service plus the commitment to modernise the prison estate provide a context in which much better outcomes can be achieved for young adults in a highly cost effective way.
32. As well as funding the practical measures on the ground discussed above, there is a case for creating a coordinating mechanism at the centre along the lines of the Youth Justice Board.
33. T2A recommends that the Spending Review allocates funds to enable the Ministry of Justice to establish a Young Adult Board to oversee the implementation of the proposed measures and to promote more broadly the distinctive approach which is required for the 18-25 age group.

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