

YOUNG WOMEN'S JUSTICE PROJECT BRIEFING

FALLING THROUGH THE GAPS

Young women transitioning to
the adult justice system

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With thanks to

ABOUT THE YOUNG WOMEN'S JUSTICE PROJECT

Funded by Lloyds Bank Foundation and run in partnership by **Agenda** and the **Alliance for Youth Justice (AYJ)**, the Young Women's Justice Project provides a national platform to make the case for the needs of young women aged 17–25 in contact with the criminal justice system, including the needs of girls transitioning into adult services as they turn 18.

Consistently overlooked in policy, young adult women are a minority in the criminal justice system on account of both their age and gender. Despite pockets of good practice, there is limited provision designed to meet their needs. Engaging with young women, frontline practitioners and other experts, the Young Women's Justice Project is building an evidence-base on key themes in young women's lives. Empowering young women as advocates to safely share their experiences and use their voices to make change, we campaign alongside young women to prevent them falling through the gaps and enable the development of more effective practice through gender- and age-informed policy.



ABOUT THIS BRIEFING

In January 2021, Agenda and AYJ published the Young Women's Justice Project [literature review](#), mapping the evidence-base around young adult women in contact with the criminal justice system and identifying key gaps in knowledge to inform the direction of future work. Through this literature review and conversations with young women and the services supporting them, girls' experience of the transition to adulthood whilst in contact with the criminal justice system emerged as a key concern.

Sharing expertise and knowledge is crucial to developing gender and age-specific systems and services able to generate positive outcomes for girls and young women at this critical juncture. In July 2020, the Young Women's Justice Project brought together over 50 professionals from the youth, women and girls' and criminal justice sectors to discuss the challenges facing girls in transition. Guest speakers from the seminar, [Lesley Tregear](#), [Dez Holmes](#), [Ebinehita Iyere](#) and [Dr Claire Fitzpatrick](#), have kindly provided expert reflections to inform and accompany this briefing.

This briefing paper sets out the current policy context and key findings about young women's experiences as they turn 18 and transition to the adult justice system, as well as experiencing changes in other kinds of provision, including in mental health support, accommodation, reduced safeguarding responses and leaving care. Drawing on insights from our expert seminar, research undertaken with girls and young women and existing literature and data, this briefing paper makes recommendations for researchers, policymakers and those working directly with girls and young women about what needs to change.

INTRODUCTION

As they turn 18, young people who are in contact with the youth justice system may be required to transition into the adult criminal justice system, in both the community and in custody. A minority in the criminal justice system, young women make up only a small proportion of this group. As a result, they have limited access to support which is both age- and gender-specific, despite facing vulnerabilities and risks that are distinct from those of their male counterparts, and from older, adult women. Navigating a destabilising lack of continuity in the criminal justice system and arbitrary cliff-edges in support as many services reduce or drop-off all at once, young women in transition are at risk of **'falling through the gaps'** as they undergo multiple transitions across a range of systems and services, without tailored support to meet their needs.



WHO ARE GIRLS AND YOUNG WOMEN IN TRANSITION?

Numbers of young women in transition in the criminal justice system

Every year, young people are moved over 2,000 times from the youth to adult criminal justice system – from being supported by Youth Offending Teams (YOTs)¹ to supervision by probation services, and from youth custody to adult prisons.²

- Over a quarter of all girls in the youth justice system (both in custody and in the community) are 17-years-old. Data showing the total number of girls undergoing this transition is not publicly available, but a significant proportion of all girls in the youth justice system may experience it.
- Due to limited data, it is also unknown how many Black and minoritised³ young women transition from the youth to adult justice system. It is likely that Black and minoritised young women are over-represented amongst young women in transition, given the clear evidence of racial disparity for girls in the youth justice system and amongst 18–24-year-old young adults (both women and men).⁴ There is also evidence of very high proportions of Gypsy, Roma and Traveller women and girls in prison.^{5,6}
- Girls and young women with experience of care are also consistently overrepresented in the criminal justice system, with nearly two thirds of girls and young women (16–21) in custody estimated to have been in statutory care (compared to just under half of boys).⁷ Girls in care have frequently experienced childhood trauma and may be more likely to have their own behaviour unnecessarily criminalised. It is unclear how many girls experience the dual transition of moving into the adult criminal justice system at the same time as leaving care.

Girls transitioning from the youth to adult criminal justice system face **multiple disadvantage**. They have complex, overlapping needs, with their experience of coming into contact with the criminal justice system underpinned by experiences of violence and abuse, poor mental health, addiction, exclusion from education, poverty and having no safe place to call home. The challenges they face are mutually reinforcing and take place in a wider context of social and structural inequalities which shape their lives, including gender-inequality and racism.

Girls' and young women's offending

Understanding how both girls and young women enter the criminal justice system, and how they may remain within it as they enter adulthood, is crucial if this process is to be disrupted and opportunities for diversion⁸ are to be identified.

- Evidence suggests that girls (under 18) are more likely to come to the attention of the criminal justice system because of their vulnerability and the risks they face, rather than the severity of their offending.⁹
- Girls and young women are most commonly convicted of violence against the person¹⁰ and theft offences, largely due to their non-participation in other types of crime.^{11,12} In 2018, 12.7% of all young women (18–24) of all young women sentenced in the criminal justice system were convicted of 'revolving door' offences¹³ – repeated, non-violent offences driven by a combination of needs, often stemming from complex trauma and economic disadvantage.¹⁴

Currently, children who commit offences as children but turn 18 whilst waiting for their court hearings do not have their cases dealt with by the youth justice system, receiving an adult criminal justice response instead. This means that they do not receive a number of protections and support they would otherwise be entitled to, and face harsher sentences and a more punitive criminal record system than their peers who are sentenced as children. This has lifelong impacts, including facing additional stigma and barriers to accessing employment.¹⁵ With years of court closures and now delays due to COVID-19, young women will be increasingly affected by this, leaving many waiting years to face justice.

Vulnerabilities and drivers of offending

Young women in the criminal justice system have higher levels of needs and vulnerabilities than young men.¹⁶ There are clear connections between the vulnerabilities of girls in transition and their offending, including:

- experience of violence, abuse and exploitation;
- struggling with mental health and substance use issues;
- exclusion from education and poor responses to girls with learning and communication difficulties;
- experience of the care system;
- early parenthood;

- poverty and economic inequality;
- and racial inequality.

Whilst older adult women in contact with the criminal justice system also face significant disadvantage, the impact and trauma of these experiences in young adulthood – particularly abuse and exploitation in childhood, leaving care, and exclusion from education – means that young women in transition are likely to present with more immediate needs or be ‘in crisis’ as a result of them.¹⁷



AN INCOMPLETE PICTURE OF TRANSITIONS

A lack of gender-specific data, reporting and monitoring of outcomes in criminal justice and statutory agencies means that the needs of girls transitioning into adult services, both in custody and the community, have not been comprehensively mapped and understood, limiting the development of effective responses to this group. Significant gaps in the evidence-base remain, with a notable lack of research and data reflecting:

- Numbers of young women transitioning from YOTs to adult probation services, and from youth custody to adult prisons, and their gender-specific experiences of these transitions.
- Effective mechanisms for early identification of vulnerabilities driving girls' offending prior to the transition to adult services.
- Analysis sensitive to the overlapping and reinforcing impacts of discrimination and structural inequalities on the basis of gender and ethnicity during transition, including gendered analysis of the 'school-to-prison pipeline' and how the design and use of current assessment frameworks perpetuates discrimination against Black and minoritised girls and young women.
- Barriers to accessing leaving care support, as well as young women's experiences where they are able to access this.
- Evaluation of good, gender-specific practice, delivered through statutory services and specialist women and girls' organisations, including those led by and for Black and minoritised groups.
- The impact on young women's experiences of transition due to delays in criminal justice processes caused by the COVID-19 pandemic.

A FAILURE TO PRIORITISE YOUNG WOMEN IN POLICY

“The fact is that the system is man-made. The system was not built to understand women and girls.” Youth practitioner

Despite some recognition that girls and young women in contact with the criminal justice system have different needs and face different risks to their male counterparts and older, adult women, there is no central, strategic policy focus or action plan in place to respond to this. Where there are local or national policy responses to young adults, these are designed around young men by default and with limited gender-specific consideration of young women’s needs.

In the youth justice system, numerous reviews and inquiries have overlooked the needs of girls,¹⁸ and their transition into the adult criminal justice system has been entirely neglected. In the adult criminal justice system, the Ministry of Justice’s *Female Offender Strategy* (2018) makes no reference to young women, including those in transition.¹⁹ *The Women’s Policy Framework* (MoJ, 2018) – guidance for prison and probation staff about supporting women in custody and the community – also makes no reference to the specific needs of young women as they enter prison and probation services from the youth justice system.²⁰ Whilst recognition of the need for gender- and trauma-informed responses to women

in the newly published *Concordat on women in or at risk of contact with the Criminal Justice System* (2021) is welcome, critical questions about the design and delivery of these interventions remain, with no discussion of how this kind of provision will be tailored to young women’s age-specific needs.²¹

While there has been some recognition from the Ministry of Justice and Youth Justice Board that the transition at 18 is a particularly vulnerable time, the response to this has been almost exclusively focused on young men. Publication of the *Achieving Better Outcomes for Young Adult Men* (2015) guidance²² was met with no equivalent for young women, despite their comparatively higher levels of vulnerability. There is only brief reference to the specific needs of young women in the *Joint National Protocol for Transitions in England* (2018) which notes that “the needs of females offenders are often different and distinct” but does not afford this sustained attention.²³

This lack of recognition of young adult women in policy translates directly into what gets measured, who gets heard and what gets funded. This limits the development of age-appropriate, gender-sensitive approaches to working with young women as they enter adulthood, with experts highlighting the far-reaching consequences of a lack of sufficiently tailored and trauma-

informed support for young women at this time in their lives, simply on the basis of their small numbers.

“Bringing that trauma into adulthood has huge ramifications not only for their lives and the lives of their families and children, but obviously also on the public purse.”

Women and girls’ service practitioner

Insights from expert seminar attendees also highlight the need for policy-makers to take more of a ‘bird’s-eye view’ of the multiple systems and services young women are enmeshed in as they transition to adulthood. With young women’s vulnerabilities spanning a number of key policy areas, including issues which disproportionately impact girls and young women (such as mental health and violence, abuse and exploitation) and issues where policy responses appear to be gender neutral but can leave girls and young women behind (such as exclusions and ‘serious youth violence’), an effective response to young women in transition should necessarily be a joined-up one.

“We often look at people through the lens of a system, rather than looking at them as an individual. For young women who might face transitions out of care and Child and Adolescent Mental Health Services, I’m not sure the primary focus of criminal justice is the right lens to look at them through. Understanding that they are going to have support from, and different expectations on them, across a

whole range of different areas is an important starting point.”

Service manager

Without recognition of girls and young women transitioning to adulthood as a distinct group in policy – and with little work undertaken across government departments to connect responses to young women’s offending with their vulnerabilities – there is limited scope to tackle the underlying causes of girls and young women’s involvement in the criminal justice system. Instead, political debate and public perceptions of young women driven into the criminal justice system tends to stigmatise them for breaking the law and transgressing gender norms. Rather than looking to address the systemic issues that bring them to this point, young women are blamed for their behaviour and the challenges they face. The Police, Crime, Sentencing and Courts Bill currently progressing through Parliament risks further entrenching this punitive focus on individual responsibility, sweeping more young women into the criminal justice system and exacerbating existing racial inequalities.²⁴

“We must not fall into the trap of over-individualising and pathologising young women, especially young women of colour, because that completely undermines the point about the structural disadvantage and discrimination that they face – it’s about context and individual needs.”

Research and policy professional

TRANSITIONS IN PRACTICE: NAVIGATING MULTIPLE 'CLIFF-EDGES'

As noted by HM Inspectorate of Probation, the adult criminal justice system “assumes a level of self-efficacy that the research suggests is not commonly present among those in or exiting the youth justice system at the age of 18”.²⁵ The impact of trauma and abuse at a young age – an experience common for girls in conflict with the law²⁶ – can also adversely impact cognitive development and delay the process of maturation.²⁷

The courts have also highlighted this in relation to sentencing, noting that 18th birthdays, although significant moments for a young person, do not suddenly accelerate a young person’s level of maturity, insight and understanding.²⁸ This is a sentiment shared by young women themselves –

“Young women don’t forget all their trauma and everything that’s happened to them as a child when they turn 18, but suddenly they’re under probation services and some forms of support stop overnight. We need to start thinking about redefining the expectations and responsibilities placed on young women in the 18 to 25 age bracket.”

Youth engagement practitioner

Young women experience a stark change when they transfer from youth offending

services to adult probation services as they turn 18, which have been described by HM Inspectorate of Probation as a **“cliff-edge”**.²⁹ Transfers are often led by operational process and a focus on transfer of responsibility from one agency to another, which can exacerbate young women’s vulnerabilities³⁰ as their individual needs are not at the centre of the process.³¹ Given the importance of relationship-based practice when working with girls and young women,³² the transfer of responsibility from one agency to another means that regular contact and established relationships with trusted professionals may also be disrupted. This, along with reduced access to support services and a lack of transition-specific support, can increase young women’s vulnerability and likelihood of reoffending.³³

“When young women transfer into adult services, it’s important to understand that she in herself has not changed - today she may be 17 years and 11 months and tomorrow 18 years – her behaviours will not change from child to adult and her vulnerabilities may remain for many years into adulthood.”

From [Expert Reflection by Lesley Tregear](#),
Association of YOT Managers

Transition whilst under community supervision

HM Inspectorate of Probation have found that the transition from the youth to adult system is “not always managed well” at an especially difficult time for young people.³⁴ Experiencing this change in systems can be challenging for girls as there are differing levels of support available in youth and adult criminal justice services, with a greater level of responsibility and higher expectations placed on young women when they enter adult services.

As one young woman with experience of the youth justice system, reflecting on the experience of her peers as they turned 18, described:

“All of a sudden they’d get put on probation and just be getting in so much trouble...” Danielle, 21

The difference between youth offending services and probation services is profound, with little consistency in support to bridge this gap. Whilst YOTs take an approach with young people that focuses more on advocacy, outreach and flexibility when dealing with non-compliance with the terms of their sentence, probation services have a greater focus on punishment and public protection, including enforcing sanctions.

There is also ‘in-house’ support available to girls in YOTs that may not be available in probation services. For example, YOTs may have access to mental healthcare provision, meaning

that a transfer to probation services also requires a transition into a different, external mental health service. This can be challenging for young women to adjust to, particularly at a time when many other professionals and services may also be changing in their lives.

“You’re not really sure where you should go from there when you no longer have all that support when you’re used to it.” Danielle, 21.

Guidance in the *Joint National Protocol for Transitions in England* (2018) suggests that consideration should be given to women-only environments, the gender of the allocated offender manager, and any previous experiences of relationships which may impact on young women’s experience of supervision.³⁵ However, independent reports have found that, in practice, transfers may be more often led by operational process than by assessments of individual needs and circumstances from a gendered perspective.³⁶ HM Inspectorate of Probation are planning a thematic inspection on the transitions arrangements from YOTs to probation later this year, which provides a timely and necessary opportunity to explore and understand the gender-specific experiences of young women at this critical time.

To date, innovation around transitions in the criminal justice system has also lacked a gendered focus. In 2020,

the Government's Spending Review announced £3 million of funding for a London pilot of Transitions to Adulthood hubs which will co-locate youth offending services, probation staff and other services to support

young people as they transition. It is not yet known how girls and young women will experience these services, including potentially sharing spaces with older young adults, including young men.

Transition in custody

Between the ages of 18 and 20, young men may be held in a Young Offender Institution – establishments specifically for young men prior to being moved to an adult prison at 21. There is no provision of this kind for young women turning 18 whilst in custody. Instead, they move straight to adult women's prisons – environments where a failure to identify and address the needs of young women has been highlighted as a "consistent feature" of inspections.³⁷

Expert seminar attendees also raised concerns about the difficulty in supporting girls and young women transferring from youth custody to women's prisons, with practitioners

Young women report poorer experiences of prison than older women in key areas, including:

- during their first few days in the adult estate;
- feeling less safe during their first night;
- and greater levels of feeling disrespected and intimidated by staff.³⁸

concerned about a lack of referrals to community support services from the secure estate for young women leaving custody, and difficulties reaching young women in custody before their release.³⁹

Transitioning in other services

It is not just criminal justice services that change when girls turn 18. Young women with multiple and complex needs are likely to experience simultaneous changes in the provision of various statutory services, including changes to mental health provision, experiences of leaving care and reduced safeguarding obligations. This leaves them facing **multiple cliff-edges in support** and at greater risk

of **'falling through the gaps'** without the necessary gender and age-specific support to meet their needs. Young women describe how it feels when support rapidly falls away:

"It's like they're just left to their own devices... There's a massive gap where they've probably gone from having loads of support... to having absolutely nothing." Danielle, 21

MULTIPLE TRANSITIONS FOR YOUNG WOMEN TURNING 18

SAFEGUARDING

- The risk of abuse and maltreatment for girls known to children's services for safeguarding concerns does not end when they turn 18, but many are not entitled to ongoing support from social care, as adult safeguarding sits under a different statutory framework, with different priorities and higher thresholds for support.⁴⁰
- In practice, this can mean that a young woman known to children's services in relation to significant safeguarding concerns such as child sexual exploitation is not necessarily entitled to ongoing support from social care upon turning 18. Instead, her case may be closed to children's services following a referral to a voluntary sector organisation.⁴¹ This practice occurs despite growing recognition that perpetrators identify the falling away of statutory services as an additional vulnerability for older teenage girls, deliberately targeting those on the cusp of adulthood.⁴²

"Safeguarding... It falls off a cliff. Suddenly it's their 18th birthday and it's like, wow, what happened to safeguarding, to protection, everything? It just disappears."

Social care practitioner

LEAVING CARE

- As girls in care turn 18, they are no longer legally "looked after" by local authority children's services. Some support will continue to be available to care leavers, but there are a range of legal duties for protection that no longer apply, and the level of accommodation and financial support available falls significantly – from a duty to "provide or cover", to only "assist or contribute".
- Government guidance for care leavers in prison and probation highlights that young adults with experience of care may need more support during their transition to adulthood, and states the importance of identifying care leavers to offer support.⁴³ Despite this, those with care experience are frequently let down due to "complex legislation" and lack of practitioner awareness or confidence in identifying those with care experience and the support they are entitled to.⁴⁴

MENTAL HEALTH SERVICES

- Girls accessing mental health services as they turn 18 are discharged from specialist Children and Adolescent Mental Health Services (CAMHS) and may access adult mental health services, or support through their GP. Statutory mental health services have higher thresholds for adults or are simply discontinued, resulting in disruptive transitions, as support is reduced or ended.⁴⁵

In 2015, only 17% of mental health trusts identified children or young people in trouble with the law as a vulnerable group in their policies on transitioning between children's and adult's services, despite the majority of young adult women in contact with the criminal justice system being assessed as having mental health concerns.⁴⁶

- Some of the most vulnerable care leavers in England are being failed by mental health services.⁴⁷ A High Court judgement in 2017 criticised the disgraceful lack of provision for a looked after 17-year-old girl with acute mental health needs.⁴⁸

ACCOMMODATION

- Children's services and local authority housing departments have a duty to help under-18s find secure accommodation, including providing emergency housing, and helping with living costs and rent – often meaning the young person becomes 'looked after'. Unless a young person is a care leaver, housing provision for those who are homeless or at risk of homelessness is only available for over-18s if eligibility criteria are met – including needing to be designated as a 'priority need' group by being classed as vulnerable, or pregnant.⁴⁹
- With all those under 25 entitled to lower rates of benefits for housing support, many young women are only able to access shared accommodation which can pose issues due to the lack of space and privacy, particularly for those with histories of trauma and poor mental health, as well as introducing new risks associated with living with others.
- A lack of appropriate housing options for young women has been identified by criminal justice inspectorates as a major barrier to young people making a smooth transition to adult services,⁵⁰ with frequently moving accommodation,⁵¹ living in unsuitable accommodation,⁵² or experiences of homelessness leaving girls and young women at increased risk of exploitation or becoming involved in criminal activity.⁵³



SPOTLIGHT ON BLACK AND MINORITISED YOUNG WOMEN

"There are perceptions that Black girls are less innocent, that they're more angry – these are stereotypes applied to them by adults. If we don't start to understand and address the intersectional experience of Black girls in our systems, we're never going to be able to understand their experiences of transition."

Ebinehita Iyere, Founder of Milk & Honey Bees

Black and minoritised girls and young women can face a “double disadvantage”, discriminated against on account of both their gender and race.⁵⁴ Black girls (under 18) are significantly more likely to be arrested than white girls⁵⁵ and there is overrepresentation of Black and minoritised girls in custody, particularly in the remand population and in Secure Training Centres.⁵⁶ In mixed-gender Secure Training Centres and in women’s prisons, the proportion of prisoners self-identifying as Gypsy has been described by HM Inspectorate of Probation as “strikingly high”⁵⁷ at between 7% and 12%, despite only 0.1% of the general population identifying as Gypsy or Traveller.⁵⁸ Anecdotal evidence suggests that Black girls in the criminal justice system may be assessed as less vulnerable than white girls – primarily responded to as a risk to others, rather than as children at risk in their own right, as described by one expert seminar contributor:

In combination with gender inequality, other forms of oppression including racism, both drive and magnify disadvantage, with a well-established evidence-base highlighting the likelihood of Black and minoritised girls and young women facing harsher treatment across a number of systems, from education to criminal justice to healthcare.⁵⁹

In criminal justice and safeguarding responses to Black girls, for example, research identifies a process of ‘adultification’ whereby they are viewed as older than their age and more ‘adult-like’, with professionals assuming that they have greater levels of maturity and less ‘innocence’ than their white peers.⁶⁰ As well as informing more punitive responses, this may reduce professionals’ sense of their safeguarding responsibilities to Black girls⁶¹ – something which may have a particularly dangerous impact as services fall away during transition, resulting in greater levels of unmet need and problems becoming more entrenched.

The disadvantage faced by Black and minoritised girls as gender intersects with race can also be compounded by discrimination on the basis of faith.⁶² For example, the offending of Muslim young women may be seen as particularly transgressive and be particularly stigmatised as a result of gendered Islamophobia and stereotypes of Muslim women as passive and oppressed.⁶³ One expert seminar attendee noted that, in some communities, expectations around Muslim girls to be ‘proper’ as they enter adulthood can amplify the already heightened stigma attached to their offending, creating additional barriers to accessing family- and community-based support which practitioners may be ill-equipped to identify and respond to.⁶⁴

SPOTLIGHT ON YOUNG WOMEN WITH EXPERIENCE OF CARE

"Girls and women in conflict with the law are particularly likely to have experienced instability and movement in care through different placement changes – leading to uncertainty, lack of connections and lack of trust, due to the ever-changing number of professionals involved in their lives."

From [Expert Reflection by Dr Claire Fitzpatrick](#), Senior Lecturer in Criminology, Lancaster University



While many of the girls transitioning from the youth to adult criminal justice system will have experienced instability in their lives, this is particularly true for those with experience of care, with the transition to adult services experienced as yet another upheaval and destabilisation

Research has found that criminal justice professionals lack knowledge and understanding of care leavers' experiences and the support that they are entitled to and, as a result, are less able to address their needs.⁶⁵ This acts as a barrier to effective decision-making, planning and oversight of the transitions between youth and adult services, both inside and outside the criminal justice system. This may be particularly the case for care-experienced young women who already receive little attention, putting them at greater risk of continued criminal justice system involvement as their vulnerabilities remain unaddressed.

Ongoing stigma around care experience can also create biases – conscious or unconscious – which inform the way in which professionals respond.

“Popular perceptions continue to link care experience with trouble. These judgments impact professional action and inaction across a variety of settings.”

Dr Claire Fitzpatrick

Negative stereotyping on the basis of a young person's care status is compounded by gender stereotypes which shape perceptions of young women who offend as particularly transgressive or 'deviant'. This informs professional responses which categorise them as individuals who pose a risk to others first and foremost, rather than as young women in need of support.⁶⁶ These perceptions are particularly important as girls and young women transition between children's and adult services as they may impact how transitions are handled and whether access to support services is secured or even offered.

“There is an important role here for specialist women's and girls' services, and particularly for girls and young women's own advocacy to challenge these attitudes.”

Research and policy professional

Work needs to continue to address the stigma of care and ensure this is not impacting the services girls are deemed entitled to as they transition to adult services. Experience of care and the judgments this brings with it – for example being perceived as 'hard to reach' – must not be used as a reason or excuse for failing to adequately engage with young women.

WHAT DO GIRLS AND YOUNG WOMEN NEED FROM SERVICES?

Transitions based on need, rather than age

With young adults increasingly recognised in literature as a distinctly vulnerable group, especially during transitions,⁶⁷ there is growing support for taking a distinct approach to 18–25-year-olds in the criminal justice system.⁶⁸ Both the literature and expert testimony agree that **transitions should be based on need, rather than age.**

“Maybe it is time to look again, and with some urgency, at what the literature tells us about promoting positive outcomes for those between 18 and 25 years of age, including whether YOTs... should be given a role in supporting this slightly older age group.”

HM Inspectorate of Probation⁶⁹

“There has to be more ability to maintain young women within the YOT, properly funded, if that’s the most appropriate place for them to be.”

Youth offending service manager

A more flexible approach to transitions should allow for the extension of service provision and support – including the YOT model – for young women beyond the age of 18.⁷⁰ Experts described the benefits of greater flexibility in transfers from YOTs to probation, including one practitioner who told us about her experience of working with a young woman who made this transition six months after her 18th birthday.

“We actually made the decision with probation to ‘hold onto her’ for six months because she was not at a point where she was ready to make that move. By the time we got to a place of transitioning it felt like it was something that was being done with her rather than to her. Previously, she’s always had quite negative endings because things have come to an end so abruptly, but we gave her the opportunity to end the relationship she had with me in a very positive way.”

YOT practitioner

Working in partnership to bridge the gaps

Practitioners spoke of girls experiencing a **“conveyor belt”** of professionals coming in and out of their lives, and the value of consistent and trusted relationships. Girls, young women and practitioners have all emphasised the critical importance of **ongoing support post-18** from existing criminal justice professionals who are able to support agencies newly responsible for working with the young women, as well as remaining available to support young woman themselves.

We heard from experts that having professionals working out of the same building can aid in partnership working and the provision of ongoing support. Experts also noted that a key practice barrier is one professional not being able to have sufficient expertise across the range of areas a young woman in transition might require support around – agencies working in partnership and pooling knowledge can address this. Experts highlighted that the needs of girls and young women are often so complex and interrelated it would be almost impossible for one service or organisation to effectively meet them.

Practitioners also emphasised the importance of criminal justice agencies working in partnership with the women and girls’ voluntary sector during this time.

“Where holistic, woman-centred services exist, there is a multi-agency approach which in some ways echoes or mirrors what YOTs do. There is a role to be played by those specialist services because they could really help with transitions – they have a similar culture and approach and an ability to provide ongoing support.”

Women and girls’ service practitioner

Where specialist services for girls and young women exist, they are often commissioned to provide support beyond 18 and up to the ages of 24 or 25. This leaves them particularly well-placed to bridge the gap for girls in transition, ensuring there is continuity in support as they transition from youth to adult criminal justice services. Research also suggests that young women value support from **agencies they see as independent** from, and less punitive than, statutory services. For young women who have just entered adulthood, the ability to ‘opt-in’ to support from women and girls’ services can be particularly empowering as, until turning 18, they are likely to have had much less control over their level of engagement with professionals, or over the extent to which services are able to intervene in their lives.⁷¹

Transitional safeguarding

“Transitional safeguarding is not only about bridging the gap between children’s and adults’ safeguarding – it is about boundary-spanning more generally. The highly interconnected nature of issues such as mental, health, homelessness, trauma, exploitation, poverty, and adversity demands a highly integrated system of support.”

From [Expert Reflection by Dez Holmes](#),
Director of Research in Practice

Expert seminar attendees spoke about the need for a framework which ensures the vulnerabilities in girls’ lives remain in focus as they transition to adult services. ‘Transitional safeguarding’ was highlighted as a concept which facilitates this, encouraging consideration of how the services older children access and continue to need into adulthood can work to ensure young people continue

to be safeguarded as they transition. This aims to address the arbitrary cliff-edge in support at a time when they are experiencing a lot of change, development, and continue to face risk of exploitation or harm.⁷²

Considering safeguarding needs and the potential victimisation of girls beyond 18 also highlights the importance of adopting a trauma-informed approach to working with young women. Practitioners suggest that, in addition to remaining alert to ongoing risk of harm perpetrated by partners, family members and peers, this approach should also take account of negative and even re-traumatising experiences that girls and young women have had whilst in contact with the criminal justice system as a result of interactions with professionals.

“Quite often when we are working with young female defendants who are also victims, there is a general inability to protect and safeguard them. So, they experience this re-traumatisation – going through the criminal justice system as defendants when they should have been treated as a victim. It feels like there’s no recognition of this.”

Youth justice legal practitioner

Specialist support

“That label “hard to reach” is completely unhelpful – it should beg the question, if these young girls are hard to reach, what does reaching them require?”

Women and girls’ service manager

Specialist services delivered by the women and girls’ voluntary sector provide dedicated, age-responsive, gender-sensitive and trauma-informed support to girls and young women for the range of challenges they face moving into adulthood.⁷³ Where dedicated girls and young women’s services are not routinely commissioned, young women can report feeling alienated from youth provision which does not offer gender-specific support, noting that these spaces can feel as if they are **“not for them”**.

Where there is gender- and age-specific local practice, girls and young women feel this should be developed and maximised.

“There should be more clubs for girls. I think there should be more youth centres for us women. This place has helped me, I’d be lost without it.”⁷⁴

Riley, 19

Despite pockets of good practice, however, women’s services can report facing challenges reaching and engaging with younger women, as well as difficulties developing the partnerships with criminal justice, social

care, education and voluntary youth sector partners needed to grow this area of work.

“There’s definitely a lot of scope for more referrals of girls to our women and girls’ service, and an ambition to work with local YOTs.” Equally, YOT managers that I spoke to were really crying out for more specialist resources to help them work with girls.”

Women and girls’ service practitioner

Expert seminar attendees felt that there is a clear and notable compatibility between women and girls’ and youth services’ underlying principles, focusing on empowerment and taking into consideration the presence of multiple, complex needs. There exists great potential for these organisations to work together to support and smooth the transition for girls and young women entering adulthood, with potential to develop expertise and knowledge-sharing between the youth, criminal justice and women and girls’ sectors, informing systems and processes to generate change.

“We need to create that conversation about what the norms are for good practice and quality work with young women and girls.”

Women and girls’ service practitioner

An intersectional approach

With the concerning and persistent over-representation of Black and minoritised girls amongst those turning 18 whilst in contact with the criminal justice system, expert seminar attendees were clear that it is important to understand the unique experiences of these girls to ensure their needs are addressed, and to reduce further disproportionality. This means moving beyond using 'intersectionality' as a "buzzword".⁷⁵

Girls in transition face multiple and different forms of disempowerment, and the design and delivery of effective services for them must start from an understanding of this. Research makes clear that Black and minoritised young women place value on having access to support from Black and minoritised members of staff operating within a framework which places their

experience of disadvantage in the context of both gendered and racialised inequalities.⁷⁶ This is something that specialist services led 'by and for' Black and minoritised women and girls are best-placed to provide. As one practitioner described:

"The experience of Black girls should not be an add on for a funding bid, it should be done with and for Black girls. So, if you don't understand them, don't do it."

Youth practitioner

"Adopting intersectionality across the justice system should underpin policy and practice for young Black women and girls and help to work against adultification bias. It is crucial that Black girls and young women are not rushed into adulthood before and after transition through the justice system when turning 18 – professionals and services must be made aware of assumptions and personal bias that may be upheld."

From [Expert Reflection by Ebinhita Iyere](#), Founder of Milk & Honey Bees

Dedicated funding

“[Some practitioners] didn’t care – it felt like a job to them. They would literally check the time, like, ‘Five o’clock, I’m done’. With [my young women’s support worker] it wasn’t like that... If I really need help, and she’s answered the phone, she will help.” Amelia, 19

Both young women and practitioners identified good practice where services for young people ‘went out of their way’ to continue to support young people when adult services were unavailable or inappropriate,⁷⁷ but it is not enough to rely on practitioners going above and beyond their duties. Expert seminar attendees were clear that, for this work to be sustainable, distinct funding streams are needed which take into consideration the volume of need amongst girls and young women and

the intensity of working required, not simply their small numbers.

“We need to get away from that conversation about volume. It requires more funding to do more intensive work.”

Women and girls’ service practitioner

In some areas, however, services for girls and young women continue to fall through funding gaps. During the COVID-19 pandemic, some services have reported not being eligible for emergency funding aimed at women’s services or young people’s services, leaving girls and young women without age-appropriate, gender-sensitive support at a time when they need it the most. Gaps in support in relation to alcohol use, early parenthood and appropriate housing options have also been identified.

CONCLUSION

Upon turning 18, young women in contact with the criminal justice system who transition into adult services face an arbitrary cliff-edge in support, a lack of understanding and recognition of their needs, and more punitive responses to their vulnerabilities. There is little recognition of the need for a distinct age- and gender-specific approach for young women to address the, sometimes escalating, risks they face at this time in their lives. These include increased vulnerability to criminal and sexual exploitation as support from statutory services falls away, and barriers accessing effective mental health support and suitable accommodation. For young adult women facing additional forms of disadvantage and discrimination – including Black and minoritised young women, and young women with experience of care – this increased vulnerability to harm and likelihood of being overlooked is exacerbated.

For young women in contact with the criminal justice system, the transition from girlhood to adulthood could be an opportunity to get things right, preventing their needs from becoming more complex and entrenched. With many services changing or dropping off all at once, they may be at greater risk of continued criminal justice system involvement as a result. To prevent them falling through the gaps, girls and young women need age-appropriate, gender-specific support from both statutory services and specialist women and girls' organisations, with funding available to ensure consistent and continuous support is the norm, not the exception.

RECOMMENDATIONS

Responding in policy and commissioning

1. The Ministry of Justice to integrate an age-informed response to young adult women within the *Female Offender Strategy*, which:
 - a. takes a cross-departmental and gendered approach to addressing the challenges facing young women in transition;
 - b. is accompanied by long-term, dedicated funding for age- and gender-specific support which addresses the higher levels of need amongst girls and young women by increasing funding and resource per individual and;
 - c. recognises and resources the critical role played by the women and girls' voluntary sector, including specialist services led 'by and for' Black and minoritised groups, in providing wraparound support as young women make multiple transitions into adult services.

2. The Ministry of Justice to update the *Concordat on Women in or at risk of contact with the Criminal Justice System* to reflect the specific needs of young adult women, highlighting vulnerabilities arising around transitions at 18 and encouraging relevant local bodies to play a convening role to facilitate smooth, multi-agency transitions for girls and young women.

3. The Ministry of Justice to amend legislation to ensure young women charged with a criminal offence allegedly committed under the age of 18 are subject to the jurisdiction of the youth court, and to youth sentencing provisions. The 'relevant date' should also be amended for rehabilitation periods of those who turn 18 between committing an offence and conviction, so that the corresponding date is when the offence was committed.
4. HM Inspectorate of Probation to ensure that the thematic inspection of the transitions arrangements from youth offending teams to probation planned for late 2021 includes a focus on the needs of girls.
5. HM Inspectorate of Prisons (with HM Inspectorate of Probation, the Care Quality Commission and Ofsted) to ensure that their joint thematic review of girls in custody and their resettlement in the community, planned for autumn 2021, includes a focus on the needs of girls transitioning from Secure Children's Homes and Secure Training Centres into adult women's prisons, and provision of gender-specific support during this time.
6. Police and Crime Commissioners to commission gender-sensitive services to support the distinct needs of girls and young adult women as they transition into adulthood, including specialist services led by and for Black and minoritised groups, fully involving the women and girls' voluntary sector at key stages of the commissioning cycle.
7. The Mayor's Office for Policing and Crime's evaluation of the London pilot of the Transitions to Adulthood hub to consider how successful this has been in meeting the needs of girls and young women, with these findings made publicly available to support the development of good practice.

Responding in practice

- 8. Youth Offending Teams (YOTs) to have greater flexibility and funding to continue working with young women beyond the age of 18 based on individual needs**, either retaining supervision of young women in their service post-18, or working closely in partnership with probation services to maintain a relationship with young women in a supportive role. YOT decisions to retain supervision of young women post-18 should be monitored and publicly reported on, disaggregated by ethnicity.

- 9. The Youth Custody Service and HM Prison Service to develop and promote good practice guidance for practitioners supporting girls transitioning from the youth to adult criminal justice system** which:
 - a.** is developed in partnership with young women and the statutory and voluntary sector services supporting them;
 - b.** is responsive to the needs of Black and minoritised girls and young women and recognises the impact of racialised inequalities on their experiences of transition;
 - c.** is responsive to the needs of care-experienced girls and young women and outlines young women's entitlements to support as care leavers; and
 - d.** directs criminal justice professionals working in the youth and adult estates to create opportunities for girls who are transitioning to access Leaders Unlocked's forthcoming *Transitions Guide for Girls*, with appropriate time and support to engage with this resource.

- 10.** The Youth Justice Board and HM Prison and Probation Service to develop internal mechanisms to support care and criminal justice services to work in partnership to ensure all appropriate support is in place for young women who are care leavers, including as they transition into the adult estate and on release.
- 11.** The Youth Justice Board and HM Prison and Probation Service to ensure criminal justice professionals are trained in an age-, gender- and trauma-informed approach to working with girls and young women, which recognises that their experiences of trauma, discrimination and inequality are interlinked. This training should be developed in partnership with young women and specialist women and girls' services.
- 12.** Local and Combined Authorities to play a convening role to ensure local systems and services work for girls and young women as they turn 18, encouraging collaboration between criminal justice, mental health, drugs and alcohol, children's and adult social care, housing, education, training and employment, youth and women and girls' voluntary sector services. This should include:
 - a.** providing a platform for development of age-responsive, gender-sensitive and trauma-informed practice;
 - b.** developing local transitions protocols to ensure accountability and oversight of all agencies involved in supporting girls and young women;
 - c.** undertaking local needs assessments to identify where young women in transition 'fall through the gaps' and inform commissioning of gender-specific services which bridge the gap between childhood and adulthood; and
 - d.** fully involving the women and girls' voluntary sector in all stages of the commissioning process, including decision-making, data collection and evaluation.

Responding in data and research

13. The Ministry of Justice, HM Prison and Probation Service and the Youth Justice Board to:

- a. Publish data annually about young adults transitioning from the youth to adult justice system, disaggregated across all protected characteristics, in particular age, gender and ethnicity. This must be made publicly available and accessibly presented, to allow for further analysis.
- b. Address the impact of the COVID-19 pandemic on transitions, including monitoring and reporting on the number of girls who commit offences when they are aged under 18 but are convicted and sentenced as adults, and those who are required to transition into probation services or adult prisons due to delayed court appearances, including extended periods on remand.

14. Research into the experiences and needs of girls and young women in contact with the criminal justice system to address significant gaps in the evidence base, with a particular focus on:

- a. gender-specific experience of the transition to adulthood whilst in contact with the criminal justice system;
- b. the experiences of Black and minoritised girls and young women (including Gypsy, Roma, Traveller young women) and girls and young women from faith groups, as they transition into the adult criminal justice system, with the distinct experiences of different, self-defined ethnic and faith groups recognised and drawn out;
- c. young women's experiences of multiple transitions, including transition into the adult criminal justice system alongside becoming care-leavers; and
- d. opportunities for young women to set priorities for future research themselves, including through consultation and peer research.

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Agenda, the alliance for women and girls at risk, is working to build a society where women and girls are able to live their lives free from inequality, poverty and violence. Agenda campaigns for women and girls experiencing violence and abuse, poverty, poor mental health, addiction, criminalisation and homelessness to get the support and protection they need.

The **Alliance for Youth Justice** (AYJ) is an alliance of over 70 non-profit organisations working together to drive positive change in youth justice in England and Wales. AYJ advocates for a distinct and child-focused system that tackles the underlying causes of offending, respects rights and promotes positive long-term outcomes.

ENDNOTES

- 1 Each local authority in England and Wales has a youth offending team (YOT) or youth offending service – a team of professionals who work with children who are in trouble with the police, have been arrested, charged with a crime, have to go to court, or who are convicted of a crime and given a sentence. YOTs/YOS work with children to prevent them from offending or re-offending. For a glossary of other criminal justice terms, see: Agenda and the Alliance for Youth Justice (2021) [Young Women's Justice Project Literature Review](#), Annex 1 – Terminology and presentation of data.
- 2 House of Commons Justice Committee (2018) [Young adults in the criminal justice system: Eighth Report of Session 2017-19](#).
- 3 The term 'Black, Asian and Minority Ethnic' is commonly used in policy contexts but can collapse together a broad range of differences between individuals and reinforce the idea that certain groups automatically occupy a minority position. Drawing on critical analysis of this term by services led by and for marginalised groups (see: Thiara and Roy (2020) [Reclaiming Voice: Minoritised Women and Sexual Violence](#)), this literature review refers to 'Black and minoritised' girls and young women. Whilst groups can be 'minoritised' in a number of ways, we specifically use this term to highlight the way in which certain racialised or ethnic groups are constructed as 'minorities' through processes of marginalisation and exclusion. We include Gypsy, Roma and Traveller people within this definition.
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- 8 The term 'diversion' is used to describe a range of approaches in the criminal justice system, from strategies to prevent vulnerable or 'at risk' people from entering the system entirely, to those which provide alternatives to custody. Centre for Justice Innovation (2019) Pre-court diversion for adults: an evidence briefing. For a glossary of other criminal justice terms, see: Agenda and the Alliance for Youth Justice (2021) [Young Women's Justice Project Literature Review](#), Annex 1 – Terminology and presentation of data.
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