

Written evidence from Transition to Adulthood (T2A) Alliance (TRH0022)

The T2A Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice process. It is an alliance of 16 of the 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, The Prince's Trust, Prison Reform Trust, The Restorative Justice Council, Revolving Doors, Together for Mental Wellbeing, The Young foundation, and Young Minds. T2A is convened and funded by the Barrow Cadbury Trust.

T2A welcomed the Justice Committee's report on Young Adult Offenders which found "overwhelming evidence" for a distinct approach to young adults throughout the criminal justice system, including by probation services.¹ Young adults and young people in the transition to adulthood are the most likely age group to commit a criminal offence, but are also the most likely to desist from offending and 'grow out of crime'. T2A's research and practice evidence² shows that the right interventions, which take account of developmental maturity, can facilitate desistance, while the wrong intervention can increase offending and extend the period that a young adult is engaged with criminal justice agencies.

The T2A Pathway³ provides a framework of ten points of the criminal justice process at which effective interventions for young adults can be delivered by statutory agencies and service providers. T2A has contributed to positive change in policy and practice and a central and local level, and its evidence has informed service redesign and delivery nationally and internationally. These include changes to recognise maturity in sentencing and CPS guidance and the development of a transitions framework for adult and youth justice services by the Youth Justice Board and HM Prison and Probation Service. T2A has informed the design and delivery of young adult-specific projects and approaches in police and crime commissioner and probation areas. T2A and its members have helped to initiate and provide substantive evidence for Parliamentary inquiries into the treatment and conditions of young adults in custody, including the Young Review, the Harris Review and the Justice Committee inquiry on young adults. T2A has produced specific research on young adults within the system, including those with brain injury, young women, Muslims and those suffering bereavement.

4. What should the Government do to address the issues facing probation services?

A well-functioning probation service plays a key part in the development of a distinct approach to young adults. It is welcome that the number of young adults aged 18-24 in prison or serving a community sentences has fallen by more than a third since 2011. Their proportion as a share of the total caseload has also dropped by nearly 10%.⁴ However, Transforming Rehabilitation (TR) has created problems for the smooth running of the service, and these will need to be addressed in any future review of the system. As we outline below, a number of these problems have impacted on young adults directly. However, TR itself has not been the principle barrier to the roll out of a distinct approach to young adults in

¹ House of Commons Justice Committee (2016), The treatment of young adults in the criminal justice system: Seventh Report of Session 2016–17, London: House of Commons

² Available at <https://www.t2a.org.uk/t2a-evidence/research-reports/>

³ See <https://www.t2a.org.uk/model-for-change/our-pathway-framework/>

⁴ Ministry of Justice (2017) Offender Management Statistics Quarterly: April to June 2017, London: Ministry of Justice

probation and the wider justice system. Indeed, as the Justice Committee highlighted in its inquiry on the issue, young adult specific approaches “have flourished under the Transforming Rehabilitation reforms in some CRC areas although there are inconsistencies”.⁵ We share the Committee’s view that it is the lack of a national strategy on young adults that has been a major factor inhibiting the development of a distinct approach to this age group. In the community, young adults have the highest breach rates for community sentences and are the most likely group to be reconvicted during or following the sentence. Although there are good examples of distinct provision for young adults in many probation areas in England and Wales, overall provision is patchy and often contingent on local practitioner and senior management champions, who are not present everywhere.

T2A welcomed the unequivocal conclusion of the Committee’s inquiry on young adults that “there is overwhelming evidence that the criminal justice system does not adequately address the distinct needs of young adults” and that “there is a strong case for a distinct approach”.⁶ To take forward the development of a distinct approach in probation, T2A would like to see all CRCs develop young adult teams (as is the case within some areas already), which would have smaller caseloads and work in collaboration with the voluntary sector to deliver a ‘gold standard’ approach (as defined by T2A and Clinks report ‘Going for Gold’⁷).

The government should seek an amendment to the Offender Rehabilitation Act to create a legal duty for probation services to provide a distinct service for all young adults aged 18-25, similar to section 10 of the Act and its requirement to provide a distinct service for women. The requirement to deliver a distinct approach to young adults, including a requirement to take into consideration the specific needs of young adult women, should be written into all future contracts with probation providers, and form part of any service-level agreement between the government and National Probation Service. All of this should take place within an overarching Ministry of Justice strategy for young adults aged 18-25.

Government measures

1. To what extent do the steps taken by the Government address the issues facing probation services?

(c) What should be the Government’s priorities to improve work between departments on the delivery of services needed for effective rehabilitation?

T2A fully endorses para 147-149 of the Justice Committee’s inquiry on young adults on the necessity of a cross-departmental approach to the rehabilitation of young adult offenders:

147. Cross-government recognition must be given to the need to promote desistance among those involved in the criminal justice system by offering the possibility of extending statutory support provided by a range of agencies to under 18s to up to 25 year olds, including through legislative change if necessary. Young adults are treated distinctly by a range of other Government departments, including some which preside over dedicated policies which can hinder the chances of young adults who do not have

⁵ House of Commons Justice Committee (2016), The treatment of young adults in the criminal justice system: Seventh Report of Session 2016–17, London: House of Commons

⁶ Ibid.

⁷ Clinks (2012), Going for gold: developing effective services for young adults throughout the criminal justice process, London: Clinks. Available at: <https://www.t2a.org.uk/wp-content/uploads/2016/02/Clinks-Going-for-Gold-2013.pdf>

support networks from desisting from crime. If young adults are to be given the best opportunities to become law-abiding there is a need for a coherent cross-departmental approach that recognises this and seeks to remove structural barriers to gaining sustainable employment, affordable accommodation and developmentally appropriate mental health services, for example, the lower minimum wage and housing and employment benefit entitlements.

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

149. Enabling young adults to form non-criminal identities following their involvement in the criminal justice system will require a change in the treatment of their criminal records. We support the Government initiative on banning the box—removing the requirement to disclose criminal convictions in application forms—and hope that it remains an imperative under the new Prime Minister, but reforms may need to go further, including legislative change for young adults to expunge records, incentives for employers to employ ex-offenders, and deferred prosecutions. We will consider this fully in our inquiry on criminal records.⁸

2. What impact have the reforms had on: i) sentencing behaviour, ii) recalls to prison, and iii) serious further offences?

T2A shares concerns raised by a number of its members regarding the impact of the TR reforms on rates of recall to prison. Overall, as we outline above, the number of young adults in prison has decreased significantly in the past few years. However, since the introduction of the TR reforms, the number of young adults serving custodial sentences of less than 12 months being recalled to prison has increased dramatically. In January-March 2015 only seven young adults aged 18-20 serving a custodial sentence of less than 12 months were recalled to prison. By January-March 2017 this number had increased to 103 – a rise of 1371%.⁹ Research suggests that the risk of non-compliance with order conditions is increased by the young age of the person.¹⁰ Therefore, it is vital that licence conditions are proportionate and adapted to take account of maturity and the distinct needs of this age group.

T2A has produced specific research and recommendations on young adults with particular and additional needs. For example, up to seven in 10 young people in prison have an acquired brain injury. No study has been undertaken to assess the prevalence of brain injury among people serving community sentences, but it is expected to be significant. Given that brain injury can manifest through behaviour such as difficulties with remembering appointments, misreading body language or facial expressions as aggressive, and a lack of empathy, this

⁸ House of Commons Justice Committee (2016), *The treatment of young adults in the criminal justice system: Seventh Report of Session 2016–17*, London: House of Commons

⁹ Ministry of Justice (2017) *Offender Management Statistics Quarterly: April to June 2017*, London: Ministry of Justice

¹⁰ Jacobson, J et al. (2010) *Punishing Disadvantage: a profile of children in custody*, London: Prison Reform Trust

would seem a particularly relevant issue for probation services. Simple tools are now available (such as the Brain Injury Screening Index produced by the Brain Injury Rehabilitation Trust) that could be adapted for probation services' use – it is already used in other community settings by non-specialists and non-clinicians.

Furthermore, many young adults under probation supervision are care leavers. In custody the prevalence is as high as 50% for young men and 65% for young women, according to the Care Leavers' Association. These young people will have statutory entitlements for support up to their 25th birthday, and it is therefore vital that probation services are aware of this as they plan and deliver the sentences and supervision. We hope that the Justice Committee will use the opportunity of the inquiry to press for a review of the license and supervision period for short sentenced prisoners, and its impact on the process of rehabilitation and desistance post-release, including a specific focus on young adult offenders.

3. How effective have Government measures been in addressing issues arising from the division of responsibility between the NPS and CRCs in the delivery of probation services?

Since the introduction of Transforming Rehabilitation, the supervision of young adults, as with all offenders, has been split between the CRCs and NPS. T2A is concerned that risk can only be escalated between CRCs and NPS, and that once an individual is under NPS supervision they cannot move back to CRCs. This is problematic given the particularly dynamic nature of risk in young adults, and the reality that interventions delivered by CRCs are more likely to suit the characteristics of young adults than those by the NPS. We know that one factor which has inhibited the successful roll out of a distinct approach to young adults by some CRCs has been a lack of sufficient numbers to make such an approach viable, with larger numbers of young adults than expected being transferred from CRC to NPS supervision. In its response to the Justice Committee's inquiry on young adults, the government committed to a review of NPS provision for young adults. We hope the Committee will use the opportunity of this inquiry to follow up on this commitment, and to consider to what extent the current division of responsibilities between CRCs and the NPS is impacting on effective provision for young adults.

A second area of concern relates to the effectiveness of arrangements for the transition of young people from children to adult justice services under the TR reforms. In 2016, 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. Following the Criminal Justice Joint Inspection first inspection of transition arrangements in 2012,¹¹ we welcomed the development by the YJB and the National Offender Management Service (now HM Prison and Probation Service (HMPPS)) of a joint Youth to Adult Transitions Framework to manage the transfer process. However, we were concerned to read in the 2016 report that the framework was not sufficiently well known or fully implemented at the time of the inspection.¹² In relation to the national leadership provided by the YJB and NOMS, the inspectorate noted:

¹¹ Criminal Justice Joint Inspection (2012) Transitions: An inspection of the transitions arrangements from youth to adult services in the criminal justice system, London: CJI. Available at: <http://www.justiceinspectors.gov.uk/probation/wp-content/uploads/sites/5/2014/03/cji-transitions-thematic.pdf>

¹² HM Inspectorate of Probation (2016) Transitions arrangements: a follow-up inspection, London: HMIP. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/01/Transitions-arrangements-follow-up-report.pdf>

... inconsistencies in practice and a lack of knowledge of the effectiveness of local arrangements across England and Wales. Moreover, despite the intention of the National Offender Management Service (NOMS) that monitoring would be via the 21 Senior Contract Managers and via the NPS Deputy Directors for the 7 NPS divisions, there was no evidence of ongoing and effective national monitoring, or review, of the effectiveness of local arrangements for the transfer of young people from youth based to adult based services, and retention of young adults in youth based services.¹³

The inspectorate also highlighted concerns regarding the impact of the Transforming Rehabilitation reforms on transition arrangements between youth and adult justice services:

With the exception of the operational level Probation Instruction PI 05/2014, which is clear regarding transfers in from YOTs, we saw insufficient evidence of the Youth Justice Board (YJB) or NOMS working to ensure that, following the changes instigated by Transforming Rehabilitation, there would be effective cooperation between the NPS, the new CRCs and the YOTs. Therefore, effective local arrangements for the transfer of young people depended on the work of local organisations. The YJB and NOMS have failed to fully consider the impact of Transforming Rehabilitation on links between youth and adult services. The national and local organisations need to address these issues.¹⁴

While the inspectorate identified a number of examples of good practice at the local level, it found that the majority of cases had not been identified as possible transfer cases. Overall, the inspectorate found a lack of consistency in managing the transfer process and that, in many cases, there had been little or no preparation, a failure to use existing information and a lack of planning. We hope the Committee will use the opportunity of the inquiry to consider ways in which transition arrangements for 18 year olds could be improved. This might include the pursuit of the recommendation in the Lammy Report¹⁵ that youth justice services hold on to young adults into their early 20s where their lack of maturity justified this extension of provision.

Short-term changes

5. How can the Through-the-Gate provision be improved so that prisoners get the right help before their release from prison and afterwards?

T2A notes with concern the findings of HM Criminal Justice Joint Inspectorate's two reports on through the gate services for short sentenced prisoner and prisoners serving sentences of 12 months or more.¹⁶ For both cohorts, the inspectorate found that CRCs were focusing most of their efforts on meeting their contractual targets, to produce written resettlement plans, and not giving enough attention to responding to the needs of prisoners. The inspectorate also found that through the gate services were not well enough integrated into prisons, and that prisons needed to do more to support resettlement, including properly screening for

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Lammy, D (2017) The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, London: Ministry of Justice

¹⁶ Criminal Justice Joint Inspection (2016) An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners, London: CJJI; and Criminal Justice Joint Inspection (2017) An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More, London: CJJI

prisoners' needs, assessing the risks a prisoner might pose and planning and delivering rehabilitative work where needed. As a result, too many people were leaving prison without suitable accommodation to go to, proper support into employment, training or education or help with managing their finances, benefits and debt.

Most reoffending by young adults on release from prison occurs in the first three months, but, as the inspectorate highlights, too few prison and probation services are making the necessary resettlement arrangements for a young adult leaving custody. Through the gate services, when delivered properly, have been shown to be effective for ensuring continuity of support from prison to community, and for preventing relapse into offending behaviour. All prisons should have resettlement plans in place for every young adult at least three months prior to their release and a 'through the gate' service should be provided to every young adult in custody. A young adult specific approach (with a focus on securing stable accommodation and long-term employment) should be implemented throughout criminal justice service design, commissioning and delivery to ensure that young adults coming out of the criminal justice process are supported to stop offending.

6. What can be done to increase voluntary sector involvement in the delivery of probation services?

Three phases of T2A pilots between 2008-2017 have shown the value of working across sectoral boundaries in delivering better services for young adults. For example, some of the reported benefits of working with local Voluntary and Community Sector organisations in the development, design and delivery of services include:

- Engagement that is voluntary, which led to a trusting relationship not bound to formal supervision as part of court orders and that is not breachable for non-compliance
- The capacity to be led by the needs and aspirations of the service user
- Engagement that is flexible in length and intensity
- Specialist services that responded to, and directly involved, the local communities within which they worked
- Service user involvement in the design and delivery of services
- Support offered outside traditional office-based appointments (for example, meetings in community settings or in the home)
- Flexible advocacy, achieved by (for example) accompanying service users to appointments with other agencies
- Successful recruitment, training, management and involvement of volunteers
- The potential to access resources not available to the statutory sector.

For this cohort, there are clear benefits to be gained from increasing opportunities for the involvement of the voluntary sector in the delivery of probation services. Clinks is a member of the T2A Alliance, and we refer the Committee to its submission to the inquiry on what can be done to improve the contribution of the voluntary sector to probation provision.

The future of probation services

7. When should there be a review of the future of the Transforming Rehabilitation model and the long-term plan for delivering probation services?

The timing of any review should be prompt enough to allow any proposed changes to be properly planned for and implemented ahead of the end date of the current CRC contracts in 2022.

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