



## Introduction to T2A

The Transition to Adulthood (T2A) Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice system (CJS). It is an alliance of 15 leading criminal justice, health and youth organisations (listed on our website), convened and funded by the Barrow Cadbury Trust, it has been making the case for a distinct approach for young adults in the criminal justice system for over a decade based on an irrefutable body of evidence from neuroscience that the brain is not fully formed until at least the mid-20s.

We have responded to the questions for which we have evidence.

### London Assembly London Probation inquiry

#### **Question 4 - What further action could MOPAC and the London Probation Service take to access voluntary sector expertise in the design and delivery of services aimed at reducing reoffending?**

The planning and establishment of the Young Adults' Hub in Newham is an excellent example of accessing voluntary sector expertise in the design and delivery of services aimed at reducing reoffending. The project, which is a partnership between the Ministry of Justice, the Mayor for London's Office for Policing and Crime (MOPAC) and other government departments and agencies, including the probation service. It is a three-year pilot designed to meet the needs of young adults (18-25) and 17-year olds transitioning from youth offending services to adult probation services in London. The aim of the pilot is to create smoother transitions for young adults and focus on maturity throughout their journeys by co-locating youth offending services, probation staff and other support services. There is an opportunity for London Probation to go further and use the model to establish hubs across London with partnership funding from central and local government.

The Barrow Cadbury Trust and voluntary sector organisations it is funding through its Criminal Justice Programme were consulted and their views taken into account prior to the pilot commencing. In particular we would like to draw your attention to MOPAC's work with Revolving Doors and Leaders Unlocked to understand how the lived experience of young adults shaped the design of the service.

There are particular challenges related to post-prison resettlement particularly into London from prisons outside the region. There are opportunities for probation, MOPAC and local authorities to strengthen voluntary sector relationships with greater funding to widen their

capacity to provide support. T2A is concerned that post-prison support will become a greater need for young adults following the government's recent significant change to sentencing policy which extended the custodial portion of prison sentences of between 4 and 7 years to two-thirds (from a half) under the Police, Crime, Sentencing and Courts Act which correspondingly reduces the period of supervision and the benefits of probation support while readjusting to life in the community.

**Question 5 - Are the specific needs of women being met under the reunified probation service?**

The Barrow Cadbury Trust has funded several projects focused on understanding the needs and experiences of young adult women in the criminal justice system. Our evidence illustrates that young women find it hard to positively engage with criminal justice services due to prior experiences of interactions with the agencies concerned which results in distrust and the ripple effects of criminal justice involvement which too often increases their vulnerability. This includes worsening mental health, poverty, stigma and isolation, increasing the risk of future offending and worsening their life outcomes. T2A advocates for specialist approaches to be taken to supporting young adult women in contact with probation services. This should include practical support by voluntary sector organisations working in partnership with probation to address structural barriers which hinder desistance, including access to leaving care entitlements, housing, benefits and childcare, for example. An example of this is the Minerva approach, developed by the charity Advance.<sup>i</sup> The model focuses on the importance of young women building relationships with keyworkers who focus on their strengths and achievements, aim to build their self-esteem and encourage them to care for themselves. Minerva also provides practical support, peer support and advocacy.

Our publications include:

- AGENDA's research on young adult women, most recently through the [Young Women's Justice Project](#), which has included a literature review and research on both the double disadvantage faced by women who are both young and Black, Asian, minoritised or migrants and young women's experiences of violence, abuse and exploitation.

We are awaiting the publication of Her Majesty's Prison and Probation Service's Young Women's Strategy which should provide a comprehensive policy framework to respond to and prioritise investment in young women at all stages of the criminal justice system. We hope that London Probation will be supported by the Assembly in implementing this framework.

**Question 6 - Are there particular challenges facing Black, Asian and/or minority ethnic people under probation supervision in London?**

T2A would like to see more explicit acknowledgement of the role that racial injustice plays in involvement in the criminal justice system. We are very concerned by the growing disproportionality of Black, Asian or minority ethnic young adults in the CJS which appears systemic. Racial disparities have continued to increase and local agencies, including local authorities and probation services, have failed to hear the lessons from several reviews regarding the CJS—the Lammy Review, the Young Review, and the Macpherson Review in

particular—where potential reasons for racial disparities have been explored and the need for more systematic research to understand the causes has been identified. Research on young adults as part of the T2A programme has contributed to this evidence and we recommend that the Assembly reviews the implications of our publications for probation practice.

Our evidence illustrates the extent to which BAME young adults find that they are perceived through a narrow lens as a perpetrator and can find it challenging to move on from their offence and rebuild their lives. In 2014, Baroness Young highlighted the significance of the ways in which young black and/or Muslim men experience and perceive the intensity of negative stereotyping and its impact on outcomes for these individuals and identified that this is yet to be fully grasped by criminal justice professionals. T2A's recent work with Leaders Unlocked, Maslaha and Revolving Doors Agency demonstrates that seven years later, this remains the case. Racialised stereotyping has a profound impact on young people in terms of the way they and their communities were perceived and the effect of such attitudes on their own perceptions and behaviour.

Our publications include:

- Baroness Lola Young of Hornsey's research on how to improve outcomes for young black and/or Muslim men in the CJS, known as the [Young Review](#).
- Maslaha's [research](#) on the impact of Islamophobia on criminal justice decision making
- Leaders Unlocked's [report](#) based on interviews with Black, Asian or minority ethnic young adults on their experiences of engagement with the CJS
- Revolving Doors Agency's work on young adults in the revolving door of the CJS, including a briefing on [Racial bias](#). For example, they found that Black young adults are more likely to be pulled into the revolving door of the CJS than any other ethnic group but highlights gaps in the data which make it challenging to understand their trajectories.

David Lammy MP called on the government to “explain or reform” the known disproportionalities and we have since seen neither being done adequately. Sadly, there are examples in which the opposite has happened, and the effect of recent legislative changes has been to “ignore and deepen” disparities. The progress that needs to be made by the probation service was well evidenced in Her Majesty's Chief Inspector of Probation's March 2021 thematic report.<sup>ii</sup> Until these matters are addressed the criminal justice system cannot have the legitimacy required to function effectively for every citizen, no matter what their race, ethnicity or age. Campaigns or creative projects for probation staff are needed to shed light on the daily lives of Muslim, Black and other ethnic minority communities. This is different to diversity training and would involve understanding the lived experience of young adults from religious and racially minoritised communities.

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 ‘adultlike’, with professionals assuming that they have greater levels of maturity and less ‘innocence’ than their white peers.<sup>iii</sup>

**Question 7 - Are the specific needs of other groups of Londoners being met under the reunified probation service? For example, disabled people, people who are LGBTIQA+, older people etc.**

Age is an important element to consider as part of equalities duties. The maturational status of young adults (in terms of their stage of brain development) affects their planning and problem-solving skills as well as their capacity to manage emotions, handle risks, respond to relationships, and engage in treatment, work, and employment. By virtue of their stage of development young adults may have low frustration tolerance, negative attitudes, and poor responses to authority. This also means that they are at greater risk of breaching any criminal justice sanction.

#### **Neuro-scientific evidence<sup>iv</sup>**

The brain remains in an active state of development until between approximately 25 and 30 years of age. The control centre of the brain (prefrontal cortex) which governs prosocial behaviour, successful goal planning and achievement only reaches full biological maturity at 25 years or older. The last region of the brain to develop is that responsible for executive function.

As a result, young adults may not have fully developed the cognitive abilities which are necessary for **prosocial behaviour, successful goal planning and achievement**. They are likely to have **immature and compromised core cognitive abilities** including **poor impulse control** (thinking before acting) and **challenges in evaluating risks**, including **dealing with unanticipated challenges and adapting to changed circumstances**. This, coupled with an increased motivation to achieve rewards which develops in adolescence and young adulthood is thought to be the most likely underlying mechanism contributing to **poor problem solving, poor information processing, poor decision making and risk-taking behaviours**. This is important due to the impact on them understanding of complex social situations.

This typical maturation may be hindered or compromised by several factors including **traumatic brain injury, alcohol and substance use, psychiatric and neurodevelopmental disorders and adverse childhood experiences**.

Criminal behaviour typically decelerates rapidly in the early 20s, importantly including among 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 acquired brain injury (ABI, an impairment to the brain from an external mechanical force or strangulation), 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. The government recently committed in the Sentencing White Paper to work with local courts to target the delivery of fuller pre-sentence reports for cohorts of offenders identified with more complex needs, including young adults aged 18-25.<sup>v</sup> We welcome this and advocate for this approach to be adopted by London Probation as it will enable the court properly to take maturity into account on suitable and deliverable sentencing options.

Some young adults involved in serious offending may not be significantly more mature than under 18s who are typically more likely to be considered vulnerable (or indeed victims of modern slavery under s.45 of the Modern Slavery Act 2015) and/or are more clearly vulnerable by virtue of their age. T2A is aware that young adults who may now be involved in relatively serious offending activities may themselves have been exploited as children before child exploitation became a policy priority. Consequently, they may now have reached the current position they occupy within offending groups (in which they might be seen as having a significant or leading role) because they were not identified as having been exploited and 'rescued' at a younger age. In addition, young adults may themselves be more susceptible to intimidation and coercion by virtue of their psycho-social maturity. It is of utmost importance that probation staff understanding these dynamics fully but this will not be straightforward when the prevailing approach is one of risk management. The impact of this is illustrated in recent statistics from MOPAC in London which show that only 22% of referrals for support are aged 18-25 years despite that age cohort making up 69% of all children and young adults known to be involved in 'County Lines'.

We also consider that special attention should be paid to the issue of how probation services should best manage young adults who turn 18 during the progression of a criminal case against them, some of whom will mature significantly over what can amount to several years before cases come to trial and/or to sentencing. T2A has supported Just for Kids Law to explore the impact of this which includes the significant shift in practice between youth offending teams and probation services, for example.<sup>vi</sup>

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. The Beyond Youth Custody programme demonstrated the importance of agencies providing both structural and personal support to children and young adults in reducing the chances of future offending. When labels, judgements and opinions are imposed on young adults through their contact with the criminal justice system this hinders such development.

It is important for probation practitioners working with young adults to avoid reinforcing involvement in the criminal justice system and to facilitate a shift to a positive, "pro-social", identity through 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.<sup>vii</sup> T2A has worked with NACRO and Professor Neal Hazel of the University of Salford to develop the research evidence on this. They found that using an identity lens in professional criminal justice practice assists young people in their

development of a positive identity and the creation of a new narrative for how they relate to others. Crucially, this approach also recognises young adults as the central agent in their own rehabilitation, rather than being 'done to' as they are in typical probation practice. Professor Hazel is working with prison and probation practitioners in Greater Manchester, Merseyside and Cheshire to test different approaches to embedding practice focused on shifting identity in sentence planning and sentence management.

### *Young adult courts*

T2A considers that there is scope to develop a young adult court in London through collaboration between the local authority, MOPAC and the courts service. The Centre for Justice Innovation (CJI) [found](#) that young peoples' perception of their sentence has the largest influence on their views of the overall legitimacy of the justice system, even when controlling for the outcome of their case. CJI examined for T2A the feasibility of dedicated courts delivering distinct arrangements for young adults without legislative change. They proposed that:

- All young adult cases could be allocated to specialist youth magistrates and judges who currently deal with 10- to 17-year-olds and who are already eligible to hear adult cases.
- These courts could apply existing adult legislation but would receive pre-sentence reports with additional focus on levels of maturity and information about the context of the offence.
- The principles of 'procedural fairness' would be applied and sentencers would be made aware of disposals locally that would suit young adults (such as Attendance Centre Requirements, Intensive Community Orders, and involvement of mentors alongside supervision).

We advocate the piloting of young adult courts which have been adopted in some US states. In other jurisdictions, notably Germany, young adults can be sentenced either in the youth or the adult system in accordance with their maturity.

### **Question 8 - Do you have any other thoughts in relation to probation services in London not covered by the questions above?**

Investment in cost-benefit research with respect to young adults on probation should be a greater priority. [Research](#) for T2A demonstrates that 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 which have been calculated as savings of £33 million over two Parliaments. 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.

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. Victims are also broadly open to the use of community sentences and the principles that

underpin them. Many want more effective measures that support desistance more effectively than the current system whose outcomes are very poor.

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<sup>i</sup> <https://www.advancecharity.org.uk/what-we-do/criminal-justice-services/the-minerva-approach/>

<sup>ii</sup> [Race equality in probation: the experiences of black, Asian and minority ethnic probation service users and staff](#) A thematic inspection by HM Inspectorate of Probation, March 2021

<sup>iii</sup> <https://weareagenda.org/wp-content/uploads/2021/04/Falling-through-the-gaps-YWJP-transitions-briefing-paper.pdf>

<sup>iv</sup> See for example, Scottish Sentencing Council (2020) [The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts](#), University of Edinburgh.

<sup>v</sup> [A Smarter Approach to Sentencing](#), Ministry of Justice, September 2020, para. 158.

<sup>vi</sup> [Turning-18-Briefing.pdf \(t2a.org.uk\)](#)

<sup>vii</sup> See Nacro (2020) [Using an identity lens: constructive work with children in the criminal justice system](#)