



## Response to consultation on West Midlands Diversion Delivery Plan

### Transition to Adulthood Alliance

May 2023

#### About The Transition to Adulthood Alliance (T2A)

The Transition to Adulthood Alliance evidences and promotes effective approaches to working with young adult (18-25) throughout the criminal justice system and is convened and funded by the Barrow Cadbury Trust ([www.T2A.org.uk](http://www.T2A.org.uk)). Since it was established in 2008, it has contributed to positive change in policy and practice at both central and local levels. The evidence developed has informed service redesign and delivery nationally and internationally.

T2A is concerned that once a young person becomes 18 their likelihood of being referred diversionary support is greatly reduced. This was illustrated graphically in a recent report for the Mayor’s Office for Policing and Crime (figure 1).

Figure 1



Rescue and Response County Lines Project - Strategic Assessment 2021

T2A’s principal aim is that young adults ( those aged 18-25), are subject to a distinct approach throughout all stages of the criminal justice system due to their complex and unique characteristics, improving their outcomes and supporting their needs. T2A welcomes the opportunity to contribute to the West Midlands Diversion Delivery Plan which we see as

providing scope for developing innovative new approaches to young adults and we would be happy to discuss our proposals further should that be helpful.

## Examples of effective practice

### 1. Diversion schemes

T2A has sought to promote more universal provision of diversion schemes through its work, including that with the Centre for Justice Innovation, Criminal Justice Alliance, and Revolving Doors.

Revolving Doors' recent work with the police, PCCs and local partners identified that where there is a welcome focus on diversion schemes there may remain significant gaps in local provision for young adults who typically require a greater degree of practical and emotional support as they transition. These gaps are illustrative of fragmented provision for young adults and include, for example, the time- and offence-limited nature of diversion schemes, and the absence of distinct age-appropriate support when young adults are subject to community sentences or post-prison licenses. One option for addressing some of these gaps is through Integrated Offender Management Schemes (between Probation and the Police). T2A believes that there is scope for more young adult specific approaches within such schemes, including specialist staff and caseloads and peer support schemes, for example. Another issue is that for many of those who experience practical and emotional challenges during their transition to adulthood there is limited statutory support available to them when they are not in contact with the criminal justice system with the criminal justice system thus becoming one of the only gateways to help. Should the result of the proposal to change the Reducing Reoffending Board to a Diversion Board result in a loss of focus on reducing reoffending in other parts of the criminal justice system we would have concerns.

T2A welcomes the references to the value of the **introduction of deferred prosecution**, proposed by David Lammy MP in his review. The Barrow Cadbury Trust is working with the Ministry of Justice to support a qualitative evaluation of the 'Chance to Change' scheme. There is also [evidence](#) from the Pathfinder service in Devon and Cornwall of the positive impact on crime count and crime harm of expunging criminal records .

### 2. Development of identity

In relation to culture change, **programmes working with young adults should include better consideration of how best to support the development of a positive identity** at a particularly crucial period of a person's life. T2A is funding Professor Neal Hazel of Salford University to develop approaches that enable criminal justice practitioners to change the emphasis of their work (and working cultures) from a focus predominantly on risk to **approaching young adults through an 'identity lens' to foster positive future orientation**—known to be crucial for desistance—in sentence planning and practice.

### 3. Young Adult Hubs

Regarding co-location of services, T2A would like to see **the establishment of young adult hubs** for the provision of support to young adults on probation. In London, MOPAC has developed the Youth to Adult (Y2A) Hub pilot in the London borough of Newham, funded by MOPAC and the Ministry of Justice, to demonstrate the benefits of a holistic, evidence and trauma informed approach for young adults subject to probation supervision. The Hub is a holistic, trauma-informed service for 18–25-year-olds on probation and 17-year-olds transitioning from the Youth Justice Service. The model is based on co-location of a multi-disciplinary team, consisting of probation staff and commissioned services. It provides wrap-around support tailored to young adults' distinct needs and informed by an understanding of ongoing maturation.

### 4. Problem-Solving Courts

There is an opportunity to look at the impact courts play in the young adults' perception and treatment in the criminal justice system, acknowledging the Centre for Justice Innovation's (CJI) [work for T2A](#) which demonstrated that young adults' perception of their sentencer has the largest influence on their views of the overall legitimacy of the justice system, even when controlling for the outcome of their case.

T2A believes that there is scope for the **creation of young adult specific courts delivering specific arrangements** for this cohort without legislative change. CJI has outlined what a [tailored approach](#) might entail. For example, young adult cases could be heard by judges with experience of dealing with 10–17-year-olds. While adult legislation could be applied, pre-sentence information would include a focus on maturity in relation to the context of the offence. Within such an approach, there is scope for problem-solving court model to be applied using ongoing sentencer engagement and the principles of 'procedural fairness'. CJI has detailed what such a model might look like in this [feasibility study](#).

A distinct approach to the sentencing of young adults could contribute to addressing wider racial disproportionality in the justice system. The Centre for Justice Innovation report [Building Trust](#) highlights ways in which courts could improve the treatment of BAME individuals by the courts, and increase the trust of young black men in particular in the criminal justice process.

### 5. Violence reduction

Serious violence has a real impact on young adults not only impacting them but also their families and their communities. T2A is concerned that there is a cohort of young adults in the criminal justice system who have not had their adverse childhood experiences recognised or addressed. For example, they are either too old or too advanced in their offending to have benefited from recent measures to improve early intervention, implement Child First youth justice approaches and recognition of the impact of child sexual and violent exploitation and modern slavery on involvement in the criminal justice system. Without doing so, their involvement in the justice system is likely to be prolonged.

In July 2020, the Youth Violence Commission [called for](#) a change in focus from the violence committed by young people to the violence that has been inflicted on the same young people throughout their lives. The Commission highlighted significant factors that increased the likelihood of young people committing or being subjected to serious violence including witnessing domestic violence, being excluded from mainstream education and issues with the provision of youth services. Cuts to police funding, young people growing up in poor housing conditions and increasing rates of child poverty as also contributory factors. The estimated economic and social cost of this is £1.3 billion.

T2A also has concerns about the operation of National Referral Mechanism (NRM) in enabling young adults to gain recognition of their experiences of victimisation. Very few young adults are benefiting from legal entitlements to support, including access to relevant legal advice, safe accommodation, and independent emotional and practical help. In our experience, referring agencies are not identifying victims early enough (or at all), information sharing between key bodies can be poor and there are severe delays in reaching decisions. There have been promising results from pilots which devolve NRM decision making (in children's cases) from the central Home Office NRM team to local authorities - expediting the process significantly which there is scope to expand. T2A would like to see a **more local, coordinated, multi-agency approach taken to NRM** with a wider range of routes for referral.

## 6. Whole system approaches to young adults

Any changes to commissioning arrangements should be accompanied by a consideration of how best to promote longer-term desistance among those who are involved in the criminal justice system. If the wider infrastructure is not there to prevent people from entering the justice system in the first place or to prevent reoffending following a community or custodial sentence, efforts to improve the system will be ineffective. The challenges faced by young adults, paired with restricted opportunities to gain financial independence—due to lower entitlements from housing and employment benefits and the lesser minimum wage—can prevent a crime-free adulthood and undermine their prospects of leaving the criminal justice system.

Many young adults involved in crime are already known to many statutory services and may have engaged with them as child. This should be the starting point to any policy response. In T2A's view, developments in the West Midlands should include the **creation of partnership approaches to young adults that seek to remove structural barriers to gaining employment and affordable accommodation and address the fact that the rehabilitative impact of the criminal justice system is severely undermined by an absence of statutory support** provided by a range of agencies. Such support often stops abruptly at 18 leading to what we have characterised as a "cliff edge of support" for young adults. In T2A's view the evidence on brain development and the government's obligations under the Equalities Act warrants the extension of such services to up to 25-year-olds, including through legislative change if necessary.

Each public service should seek to understand the circumstances of risky or offending behaviour, and how that is likely to be impacted by the age and level of maturational development of the person involved. Distinction should be made between young adults with

typical and atypical levels of maturity, neither of which are well-recognised currently, by schools or criminal justice agencies. Any support or intervention provided should take an age-appropriate approach, coupled with gender- and culturally-sensitive responses that ensure intersectional issues are properly considered and addressed.

It is also important to consider how as part of new commissioning arrangements **to address the issue of the criminal justice system being a gateway to service provision, access to which is often impossible through other pathways**. The criminal justice system is frequently a gateway into public services such as drug and alcohol support, mental health treatment or to support individuals to gain employment or housing support which should be accessible to young adults independently of their involvement with the criminal justice system. The successful [ROCA programme](#) in Boston, Massachusetts, USA, sits outside the justice system and provides effective support and engagement to young adult men and women at high risk of offending over a protracted period, even when they are not currently involved in the justice system. The emphasis is on supporting the young adults into paid employment whilst recognising that for many young people this is not yet a realistic aspiration. No such infrastructure exists in England and Wales which means that once a community sentence or post-release licence ends there is a vacuum in intensive support which can then only be provided through re-engagement with the justice system.

## 7. Co-production with people with lived experience

**Co-production and involving people with lived experience is essential** to create lasting systematic change and ensure that young adults feel connected to their community, have a voice and feel empowered. Working with those with lived experience has a large range of benefits not only to the individuals involved but also the system in providing challenge and ideas for change.

With the support of T2A, Leaders Unlocked has established a [young adult advisory group](#) which allows young adults to get involved and have their say on policing and criminal justice matters at a national level. This advisory group enables young adults to support, challenge and inform policy and practice. The group has produced a number of [reports](#) based on its peer-to-peer research.