

The Transition to Adulthood Alliance (T2A) – Written evidence (JCS0032)

About The Transition to Adulthood Alliance (T2A)

1. The Transition to Adulthood Alliance (www.T2A.org.uk) evidences and promotes effective approaches to working with young adults throughout the criminal justice system, it is convened and funded by the Barrow Cadbury Trust. Since it was established in 2008, it has contributed to positive change in policy and practice at both central and local levels. T2A's principal aim is that young adults (who are defined as 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 as a cohort which in turn would improve their outcomes and support their needs. T2A welcomes the opportunity to contribute to the Committee's important inquiry and we would be happy to discuss our proposals further should that be helpful. We address below selected questions on which we have evidence to respond.

Attitudes of sentencers

2. While maturity should in theory be considered by sentencers in mitigation, a principle reinforced by the Sentencing Council in its expanded explanations of maturity introduced in the 2019 guideline, there has been no research by the Sentencing Council or others to our knowledge to examine the extent to which the mitigating factor is applied, how it is applied or what impact it has. In addition, taking maturity into account consistently and effectively requires the Crown Prosecution Service, pre-sentence report writers in probation services, and sentencers across England and Wales to have sufficient knowledge and resources to do so.
3. There is scope for greater discretion within the existing sentencing framework to enable better consideration of how sentencers could best to support the development of a positive identity during young adulthood. Options could include reviewing the impact of the mitigating factor 'age and/or maturity' in sentencing guidelines or the creation of overarching sentencing principles for young adults like those set out for children. T2A supported the Howard League to [develop evidence and guidance](#) on this. See also [Criminal Law Review article](#) 2021. Taking such an approach might open the possibility of guidance being created on appropriate sentencing ranges for cases involving young adults within the existing legislative framework and giving greater weight to the detrimental impact of involvement in the justice system itself. This would be beneficial, given the impact of criminal records and disclosure on the factors which are known to support desistance from crime such as stable employment and relationships, secure accommodation and the development of positive identities.
4. There is an opportunity to look more closely at the impact that courts play in the young adults' perception and treatment in the young adult 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 children who could receive specific training on dealing with young adults. While adult legislation would 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 a 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](#).

The delivery of effective community sentences

5. Getting sentencing right for young adults is of utmost importance in determining their capacity to build a crime free future, develop their potential, and contribute to society in longer-term adulthood. The government's [own evidence](#) on young adult males specifies that approaches known not to work with this cohort are "punitive or deterrence-based approaches" and "interventions that reinforce a criminal identity". Nevertheless, punitive and deterrence-based assumptions persist within the sentencing framework and within risk-based probation practices. T2A is funding Professor Neal Hazel of Salford University to develop approaches in prisons and probation services that enable criminal justice practitioners to change the emphasis of their work (and working cultures) to approach young adults through an '[identity lens](#)' to foster positive future orientation—known to be crucial for desistance—in sentence planning and practice. An example of how these approaches have been applied to children in Swindon Youth Justice Services can be found [here](#).
6. There is also scope for more fundamental reform to the sentencing framework to make it more developmentally appropriate to young adults. The Justice Committee concluded in 2016 that there was sufficient flexibility within the adult community sentencing framework to facilitate new approaches to young adults without legislative change. At that time there were some promising initiatives of dedicated young adult probation teams, and a distinct community order had been tested in Greater Manchester. Unfortunately, these innovations were not continued. T2A would like to see more options to enable developmentally appropriate community sentences to be made routinely available to courts.
7. At that time, the Committee was also of the view that "should there be an appetite to do so, placing the need for a distinct approach to young adults within criminal justice on a legislative footing would ensure that this is not reliant on initiatives which could lose momentum or be lost following a change in government." T2A would like to see legislative safeguards introduced to ensure that sentencing for young adults is developmentally appropriate. This might be achieved, for example, by defining young adults as a distinct group within criminal justice legislation and creating a separate

sentencing framework for young adults, akin to the differential approach already on the statute book for children, or by strengthening community-based sentences include, for example:

- Specialised probation orders tailored to the specific needs of young adults to designed to optimise compliance and completion of sentence. This approach was tested in Greater Manchester in the 2000s with the creation of Intensive Community Orders which were demonstrated to be beneficial to young adults.
- Facilitating access to high-quality, sustained drug, alcohol and mental health treatment in the community as well as support for needs related to neurodivergence.

Co-operation between agencies

8. Co-operation between agencies is key to supporting young adults involved in the criminal justice system to transition successfully into adulthood. One promising example of this is the Youth to Adult (Y2A) Hub pilot in the London Borough of Newham. Funded by MOPAC and the Ministry of Justice, it is seeking to demonstrate the benefits of a holistic, evidence and trauma informed approach for young adults subject to probation supervision and for 17-year-olds transitioning from the Youth Justice Service. The model is based on co-location of a multi-disciplinary team, consisting of health and probation staff and commissioned services. It provides wrap-around support tailored to young adults' distinct needs and informed by an understanding of ongoing maturation. The Barrow Cadbury Trust has contributed to the continuation of the pilot for a further year, allowing full evaluation of its impact. Should it demonstrate effectiveness, T2A would like to see nationwide availability of young adult hubs for the provision of support to young adults on probation. Nevertheless, this is not the whole answer, and consideration also needs to be given to how best to help young adults who do not have other sources of support to transition into adulthood when their community orders come to an end to prevent further offending. An example of an approach which supports young adults within and outside the justice system is [ROCA](#) in Boston, Massachusetts.

Practical activities

9. T2A is not aware of what activities currently exist to support young adults on community sentences. The government recently abolished attendance centre orders (dedicated sentences which provided activities for young adults) in the Police, Courts, Sentencing and Crime Act 2021, reportedly because they were underused by courts. T2A is not aware of any research having been done to explore why this dedicated sentence for young adults was underused or what might usefully replace it. This could have been an opportunity to be creative about changing provision for young adults to better address their criminogenic needs, to build on and strengthen our collective understanding of what is effective for this cohort by investing in piloting, further research, and evaluation of distinct community approaches for young adults subject to probation supervision.

Punitive and rehabilitative components of community sentences and the relative impact of prison vs. community sentences

10. The characteristics of young adults in the criminal justice system can provide a powerful illustration of some of the potential key drivers of criminality amongst this cohort. They have often been victims of crime themselves and experienced adverse childhood experiences (ACEs). This includes witnessing violence at home, abuse, neglect, bereavement of a parent, criminality of parents or siblings, addiction in the home and many more. These may have occurred frequently from a very young age and can have a lasting impact on their behaviour, and psychology as a young adult. The [NSPCC has estimated](#) that over 25% of all young adults in the UK have experienced severe abuse or neglect at some point in their childhood. The damage that childhood trauma does to the developing brain is well documented. This impact remains into adulthood, unless diagnosed and treated, and has a strong link to criminal behaviour.
11. Young adults are in a strong position to benefit from rehabilitative sentences and restorative measures. An important feature of brain development in young adulthood is that the brain 'prunes' unnecessary synaptic connections and is also still able to 'rewire' itself. This plasticity means that it is a particularly good time to promote the development of positive neural connections through providing opportunities for learning, personal growth and the development of pro-social identity. On the other hand, the evidence demonstrates the detrimental impact on an individual's developing maturity and involvement with the criminal justice system can slow desistance and extend the period of involvement in the system. Periods in custody during the crucial period of brain maturation and formation of identity in young adulthood is likely to have a detrimental effect on public safety for two reasons: i) prison sentences are unlikely to help them to develop positive identities and move away from future criminal behaviour and ii) prison environments are not conducive to enabling a brain which has previously been exposed to trauma to 'rewire' itself and generate positive neural connections while it remains in a state of active development up to the mid-20s.
12. The Justice Select Committee in 2016 advocated for greater resources to be apportioned to this cohort within both prison and probation budgets in recognition of i) the likelihood that they will have more intensive needs, ii) the importance of developing healthy adult identities to support long-term desistance from crime and iii) the long-term costs to the justice system of not providing developmentally appropriate approaches that aid desistance. It said:

"Young adults offend the most but have the most potential to stop offending. They are resource intensive as they are challenging to manage. A strong case could be made for recognising that expenditure to make the system more developmentally responsive would pay dividends in reduced costs to the system in reducing incidents of violence and to society in reducing offending and the creation of further victims. (JSC 2016, para 139)"

Accordingly, the Justice Committee in 2016 proposed the development of the equivalent of a pupil premium approach and called for a business case

to be drafted to examine the cost-benefits of prioritising investment in this group. There is still merit in delivering this approach.

Public attitudes

13. T2A is not aware of any specific public polling that has been done in respect of community sentencing for young adults. Should such polling be done, it would need to provide the public with context on the neuroscientific evidence on young adults involved in the criminal justice system and the impact of typical and atypical maturation on their behaviour to enable them to draw informed conclusions about such matters.

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