



**Transition to Adulthood Alliance (T2A) memorandum to Justice Select Committee inquiry on  
*Future prison population and estate capacity***

**October 2023**

The Transition to Adulthood (T2A) Alliance evidences and promotes effective approaches for young adults (18-25 inclusive) throughout the criminal justice system (CJS) and is convened and funded by the Barrow Cadbury Trust.<sup>i</sup> T2A welcomes the opportunity to respond to this consultation and would be pleased to be invited to give oral evidence should that be considered helpful by the Committee.

**What changes are expected in the size and composition of the prison population in the short, medium and long term?**

Population projections include only limited data on the composition of the future prison population. From T2A's perspective it is important that projections enable the Prison Service to plan effectively for the future composition of the estate and for other agencies to take steps to reduce demand on prisons for the young adult cohort. While there is analysis by age, this is limited to under 18s and over 50s, with the adult cohort in between not being disaggregated. We find this surprising, given HMPPS' strategic commitment towards young adults, and recognition that they require a distinct approach due to the neuroscientific evidence about their developing maturity. We also find it very surprising that, while there is some analysis by gender, there is none by ethnicity. Given HMPPS' priorities related to race action following the Lammy Review, this is a major omission.

The Justice Select Committee's inquiry report on [\*The treatment of young adults in the criminal justice system\*](#) in 2016 drew attention to the need for strategic approach to young adults

*"...founded on the clear philosophy that the system should explicitly acknowledge their developmental status, focus on young adults' strengths, build their resilience and recognise unapologetically the degree of overlap between their status as victims and offenders."*

While young adults represent a smaller proportion of the prison population since the Committee's inquiry (now 13%, having fallen from around one in five in 2016), their needs are no less acute. HMPPS data from its (unpublished) Young Adult Strategy shows that 45% have learning difficulties or challenges, over 70% are estimated to have suffered a traumatic brain injury and are likely to have had 4 or more adverse childhood experiences.

## What is the Ministry of Justice's current strategy for safely and effectively managing the prison population, and how effective is it?

In 2018, in a [follow-up](#) to the 2016 report, the Committee concluded

*"The remarkable improvements in outcomes for under 18s [at that point in time] in custody strengthens our conviction that our criminal justice system is failing their young adult counterparts. The waste of young adults' talents and energies is one of the great social challenges of our time. The lack of decisive action is also failing society at large as citizens continue to experience crimes which should be preventable, and which would gain from these young adults' contributions should they be given the right opportunities. The Ministry must commit to more fundamental reform in its Justice 2030 project. By 2030 we expect prison and probation services to have developed cultures which recognise young adults' strengths, address the trauma many of them have experienced, and support them effectively to develop non-criminal identities and for this to be reflected in improvements in outcomes."*

It is not clear what happened to the Justice 2030 project. By 2021, in the [Prison Strategy White Paper](#), the government set out its strategic vision for the prison estate with an aspiration to design regimes which meet the needs of the diverse prison population. T2A welcomed this as an opportunity to implement the Justice Select Committee's above recommendations. More specifically, the Committee recommended that the Ministry should pilot and evaluate distinct approaches towards young adults in custody to strengthen the evidence base on how best to meet the needs of this growing cohort.

The need for age-appropriate accommodation and regimes is now even more important. First, because the impact of the Police, Crime, Sentencing and Courts Act 2021 has been to increase both the period of young adulthood that young adults are spending in custody—missing opportunities for developing positive identities—and reducing the period they would have under supervision of the probation service to support them on release. Locking young adults up for longer undermines the potential for them to stop offending in the long-term. Young adult's efforts to desist from offending are reduced by being unable to achieve financial independence, affordable decent accommodation, and develop stable relationships. Secondly, persistent regime restrictions are impoverishing young adults' experiences during this key life transition, living in unsafe conditions and limiting access to meaningful activity. In 2022, young adults (aged 18-24) represented 37% of assailants, 46.5% of fighters and 32% of victims in [violent incidents](#). [Data](#) on deaths by age is not complete for 2022.

In relation to young adults, there have been various significant operational changes specific to the cohort over the last few years, the impact of which are as yet undetermined. These include:

- The parts of the estate which were previously ring-fenced for young adults aged 18-20 serving a sentence to 'Detention in a Young Offender Institution (DYOI) have been put to general use and young adults are dispersed across the adult prison estate.
- Alternative dedicated provision for young adults, such as transitions units (HMP Deerbolt) and young adult wings (HMP Nottingham)—which could provide viable

alternatives to dedicated institutions—have been tested in small scale pilots but evaluations have not been published and no plans have been announced to roll them out.

- The development of a new transition process for children moving from youth into adult custody overseen by a centrally managed team in the Youth Custody Service (YCS) with the aim that all children are placed according to their individual needs with a person-centred approach. It is neither clear the extent to which this is happening given population pressures, or the outcomes which it is having.
- The retention of higher numbers of young adults in the children's secure estate following a Ministerial Directive—issued in December 2022 under Operation Safeguard—which stated that Youth Custody Institutions should hold young adults past their 18th birthday and transition them into adult prisons before their 19th birthday. We have grave concerns both about the impact of this on children and on young adults and have produced a detailed [position paper](#) which the Committee may wish to explore further.

We consider these a mixed bag of developments, some of which we welcome, but others we are concerned may be detrimental to the safety and effectiveness of prison regimes for young adults and ultimately to outcomes for young adults. There is not yet a consistent or clear approach. The fact that there is no transparency from HMPPS about these outcomes following these various changes in approach some eight years after both the Committee's first report on young adults and Lord Harris's [review](#) of young adult deaths in custody should be a matter for scrutiny by the Committee.

HM Inspectorate of Prisons has since drawn attention to the extent to which outcomes are worse for young adults when compared with those for older prisoners (aged over 25) in a 2021 [thematic report](#). The Inspectorate found that young adults have worse relationships with staff, are less likely to be motivated by the behaviour management schemes and are far more likely to be involved in violent incidents. They are also more likely to face adjudications, to be placed on the basic regime and to self-harm. These concerns need to be addressed as a matter of urgency: prisons are clearly neither safe nor effective for many in this age group.

The HMPPS [action plan](#) which followed in March 2021 restated some commitments and made further ones including:

- piloting a dedicated transitions unit at HMP YOI Deerbolt, which commenced in February 2021, and exploring potential opportunities for creating dedicated young adult accommodation at existing dual designated sites. This was due to be evaluated by the end of 2021.
- reviewing the current provision across prisons holding young adults to make recommendations on regime, activities, services and interventions which can better meet the specific needs of the young adult population. This may vary according to the individual prison population, sentence type, sentence-length, as appropriate.
- reviewing the prison populations across the estate, to assess whether they meet the current need.
- making a set of recommendations on the suitability of some prisons potentially being developing into dedicated accommodation for Young Adults.

It is not clear what has happened to these commitments. While the current provision has been reviewed as part of the Young Adult Programme, this has not been followed by strategic commitments to develop prison capacity which meets these needs. It would be challenging to meaningfully plan for this in the absence of the forecasting described above. T2A is not aware of the existence of recommendations on the suitability of prisons for dedicated young adult accommodation. The progress made on this is also something that the Committee could usefully review.

We would like to see the Ministry of Justice being bold and co-creating accommodation models and regimes with young adults and their advocates alongside ongoing and more ambitious testing of different options to determine which provide the best short- medium- and long-term outcomes. Instead, decisions appear to have been taken with population pressures at the forefront of Ministerial minds.

### **What is HM's Prison and Probation Service's current capacity to manage overcrowding safely and effectively?**

In a service as overstretched as HMPPS currently is, there is a tension between running prisons safely and running them effectively. Population and staffing pressures have significantly hindered progress in implementing projects that seek to improve effectiveness and outcomes for young adults.

These challenges apply to the implementation of some of the Justice Committee's recommendations, including maturity assessments and the provision of enhanced support. The government has committed to implement two models of support keyworkers under the Offender Management in Custody (OMiC) model and an Enhanced Support Service in prisons where violence is most prevalent. T2A is aware that while OMiC has largely been rolled out, its ability to provide keyworker support for young adults is near impossible in the context of staffing shortages and population pressures. It is not clear where or how the Enhanced Support Service is being used. Such keyworkers were a primary recommendation of Lord Harris in his review of self-inflicted deaths amongst young adults, subsequently endorsed by the Justice Select Committee.

Other important developments, including widening access to self-help technology and IT, in line with the government's intention expressed in the Prisons White Paper to scale up the use of digital, data and technology in prison. This is crucial for young adults to enable them to engage in learning opportunities appropriate to their age and to promote effective rehabilitation when they are released from prison into a world of technological advances. Ambitions like these are being announced without any detail of timeframes for implementation. Indeed, in 2019, in its report [Prison Population 2022](#), the Justice Select Committee encouraged the government to consider the cost-benefits of a major expansion in digital technology which the government agreed in its [response](#) to "take on board".

Another element of effectiveness is evidence-based practice development. Research funded by the Transition to Adulthood Alliance in line with their strategic focus on developing and embedding the evidence base on young adults has also been delayed or halted due to these issues. For example, the Alliance has supported Professor Neal Hazel to test in prisons how

to create constructive sentence plans which research evidence has shown are important for the formation of positive identities in young adulthood which in turn foster desistance from offending. This work has been used [effectively with children](#). Pilots to develop similar approaches for young adults commenced in a number of prisons but despite initial interest and enthusiasm from senior management these have been challenging to implement.

Furthermore, staff time for anything beyond mandatory training for safety has effectively ceased. A suite of online training was developed as part of the Young Adults Programme to raise awareness of young adults' distinct needs, but we understand that there is very little time for staff to access it. Similarly, as part of the Greater Manchester Project to develop better local partnership approaches for working with young adults, a reflective practice pilot was introduced to support prison staff who had recently completed training on young adults. While the pilot showed good results in improving the confidence of staff, it was not possible for them to consistently engage due to regime and staffing pressures.

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<sup>i</sup> <https://t2a.org.uk/>