



Home Office national guidance for community scrutiny panels

Consultation response (by email to: CSFconsultation@homeoffice.gov.uk)

Transition to Adulthood Alliance, October 2023

The Transition to Adulthood (T2A) Alliance evidences and promotes effective approaches for young adults (18-25) throughout the criminal justice system (CJS) and is convened and funded by the Barrow Cadbury Trust.ⁱ T2A welcomes the opportunity to respond to the above consultation.

Definition of young people

T2A is of the view that the guidance could be clearer in seeking to meet the Public Sector Equality Duty in respect of young adults aged 18-25. The guidance refers seemingly interchangeably to 'children and young people' and does not explain why it has defined the parameters of each of the terms in the way it has. In addition, the guidance refers to children and young people in chapter 3 and only children in chapter 4.

Anyone under the age of 18 is a child and it is important that this age cohort are referred to clearly to ensure that their needs are appropriately safeguarded by statutory agencies as required by legislation.

The term 'young people' has typically been used more flexibly. It is important that panels understand the relevance of the evidence on maturity and young adulthood for their work, so we propose that the definition of young people is clarified and that this is either extended to young adults aged 18-25 or that young adults are defined as a separate cohort.

T2A proposes the latter. Young adults should be a specific cohort given obligations regarding the protected characteristic of age and the various implications of the neuro-scientific evidence on brain development during the important maturational period of 18-25.

Defining young adults in this way corresponds with definitions used in policing for example in the Serious Violence Strategy (2018)—which used the terms young people and young adults— by the National Police Chief's Council which currently defines young adults as 18-24 in their [national strategy for the policing of crime and young people](#). Elsewhere in the criminal justice system, His Majesty's Prison and Probation Service now uses the definition

18-25 due to the latest evidence that maturation continues until at least a young person's 25th birthday and can continue beyond, up to the age of 30. See evidence in box below.

Neuro-scientific evidenceⁱⁱ

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 their understanding of complex social situations, including emerging involvement in serious violence.

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**.

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.

Data-driven scrutiny

In the light of the evidence above, the guidance would also benefit from drawing attention specifically to legislative parameters which panels must take account of for young adults in relation to the protected characteristic of age under the Equality Act 2010. As well as giving young adults as well as 'young people' dedicated opportunities to engage both as panel members and as consulted community groups. It is important that the Panels be data-driven, reviewing and monitoring data on people stopped and searched and considering the risk of disproportionality in relation to outcomes by age as well as neurodiversity, gender and race.

ⁱ <https://t2a.org.uk/>

ⁱⁱ 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.