

Lost in Transition: Three Years On

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Chapter One

Introduction

The purpose of this pamphlet is twofold; first to consider developments in policy and practice with young adult offenders in the three years since the publication of the Barrow Cadbury Commission's *Lost in Transition* report, (Barrow Cadbury Trust 2005), and second to offer reflections on the challenges that lie in the way of better policies on young adult offenders in the future.

The Commission's report highlighted the considerable gaps in meeting the needs of young people who are making the transition to adulthood and illustrated in particular how the criminal justice system, which chooses to demarcate a young person from an adult at the arbitrary age of 18, has emerged as one of the starkest examples of where vulnerable young people are being failed.

There have been significant changes in criminal justice policy since 2005. The creation of the Ministry of Justice in May 2007 and the change of Prime Minister a month later certainly offer a major opportunity for some fresh approaches. The Offender Management Act 2007 sets out new arrangements for the provision of Probation services, with a greater role promised for the voluntary and commercial sector. The shared responsibility for youth justice given to the new Department of Children, Schools and Families promises an approach to youth crime rooted in social rather than criminal policy.

The last three years have seen an upsurge of interest too in how young people in trouble fare during their transition to adulthood. The government has given active consideration to the issues with the Social Exclusion Unit publishing a major report on Transitions –Young Adults with Complex Needs in November 2005

(SEU 2005). Many of its 27 action points resonate strongly with the Commission's report.

More recently the government has published a Youth Crime Action Plan; a ten year Children's Plan, plus Aiming High - A Ten Year Strategy for Positive Activities. It has also created a Youth Task force within the Department for Children, Schools and Families. A Youth Citizenship Commission has also been established to consider the case for lowering the voting age to 16. While much of the emphasis will be on children and young people under 18, the 2007 comprehensive spending review has introduced a public service agreement relating to socially excluded adults with priority being given to young adults leaving care, ex-offenders and those on community sentences.

The other parties have also set out their stalls. The Conservatives Commission on Social Justice has drawn particular attention to problems facing the young (Conservative Party 2007) and the Party Leader at the launch of a new Young Adult Trust called for a national debate on giving young people a new sense of duty and social responsibility (Cameron 2007). He called for a new National Service – “not military, not compulsory, but built in the same spirit, mixing up classes and backgrounds, allowing youngsters to live and work together, developing into responsible adults”.

Parliamentarians have taken an interest too with the Home Affairs Select Committee producing an important report on young black people and the criminal justice system, which expressed serious concerns about the prediction that three quarters of the young black male population will soon be on the DNA database as a consequence of disproportionate arrest rates, and observed that “the number of young black people in custody is growing at an alarming rate.” (HASC 2007.)

In addition other important work has been undertaken by the voluntary sector. The Young Minds “Stressed Out and Struggling” initiative has looked at the mental health problems facing young people (e.g. Young Minds 2006), while The Prince’s Trust has mapped the costs of youth disadvantage and emphasised the importance of engaging young people themselves in the development of answers to their problems. (Prince’s Trust 2007a, 2007 b)

Despite this activity and what the government has described as a “firm commitment to find the best approaches to the needs of this age group”, clear and decisive action in respect of the nine recommendations made by the Commission has been relatively modest.

In November 2005, partly in response to the Commission’s report, the government did launch a National Offender Management Service Young Adult Offenders (YAOs) Project. The project aimed to review the needs of young adult offenders, the appropriate age range for such a grouping, the use of the prison estate and the regimes and interventions required in prison and in the community. It also considered the implications of abolishing the sentence of Detention in a Young Offender Institution (DYOI) - one of the few safeguards that exist for young adults in the criminal justice system - but which Parliament voted to abolish in the Criminal Justice and Courts Services Act 2000.

The project recommended that the abolition of DYOI in favour of a specialist provision based on needs, vulnerability and development stage was the optimum solution. However, it concluded that taking account of both the constraints posed by current prison capacity and the need to undertake further work to test out a new approach to young adult offenders, the time is not yet right to abolish DYOI. This was announced on 8th May 2007 in a Written Ministerial Statement with a commitment to revisit the decision at a later date. In the meantime, further work is promised to progress a range proposals to enable the best approaches to be tested, both in custody and in the community, and ensure appropriate

provision can be planned to address the specific needs of 18-24 year olds in the future.

This report reviews developments across the main areas covered by the commission's inquiry. Each chapter opens by stating the relevant recommendations made by the Commission's report and goes on to discuss key policy developments and statistical trends. Chapter 2 looks at criminal justice, in particular focussing on the use and practice of imprisonment for the young adult age group. Chapter 3 covers health, social care and housing, focussing on responses to mental health needs and drug addiction. Chapter 4 looks at education and employment. Chapter 5 offers some conclusions and recommendations for taking forward policy and practice in this key area of public policy.

Chapter Two

Criminal Justice

Recommendation 1: Develop a unified criminal justice system and T2A Teams

Recommendation 2: Take into account age and maturity of young adults when sentencing

Recommendation 3: Improve the policing of young adults

Policy developments

In England and Wales, young people in conflict with the law continue to be dealt with in the youth justice system until the age of 18 and the adult system thereafter. Although under 18's can be dealt with in the adult courts, unlike some countries, there are no possibilities for adults to be dealt with in the youth system. In recent years, on reaching the age of majority young people serving sentences in the youth justice system have been transferred ever more rapidly into the adult system.

Youth justice

Youth justice has been the subject of a radical overhaul since 1997, with new court powers and infrastructure of services which the Audit Commission described as an improvement on the old system. (Audit Commission 2004) There is widespread support for the development of projects working with children at risk of being drawn into crime, the creation of multi-disciplinary teams to address the personal, social and educational deficits which underlie

so much offending, and the increasing involvement of both victims of crime and the wider public in youth justice arrangements.

There are other elements which have been widely criticised; the increasing criminalisation of young people involved in minor delinquency, the stubbornly high use of custodial remands and sentences and the overrepresentation of black and minority ethnic young people in custody. Other aspects still have been roundly condemned - in particular aspects of the way children are locked up, such as the use of physical restraint, segregation and strip searching; the demonisation of young people involved in anti-social behaviour, and the coarsening of the political and public debate about how to deal with young people in trouble (Allen 2007).

The decision in June 2007 to make youth justice a responsibility of both the Department of Children, Schools and Families and the Ministry of Justice has been widely welcomed. It provides a basis for introducing the kind of changes which would build on the evidence of what works and bring England and Wales into line with international norms and standards. These include three main elements. The first is greater investment in prevention, with an emphasis on addressing the educational and mental health difficulties underlying much offending behaviour. Second the placing of limits on the way young people are criminalised by raising the age of criminal responsibility and introducing a more appropriate system of prosecution and courts. Third, the development of a wider range of community-based and residential provision for the most challenging young people and a phasing out of prison custody for those of compulsory school age.

The Youth Crime Action Plan published in July 2008 contains some proposals to take forward this agenda.

Young Adults

Sentencing

In contrast to the juvenile age range, young adults have been relatively neglected by policy-makers in recent years. In respect of sentencing the Sentencing Guidelines Council (SGC) has restated the existing principle that age should be taken into account by the courts. The Magistrates Court Sentencing Guidelines published in May 2008 confirm that youth indicates lower culpability where it affects the responsibility of the individual defendant. The guideline on sexual offences says that “The youth and immaturity of an offender must always be potential mitigating factors for the courts to take into account when passing sentence.”

In its guideline on robbery, the SGC make clear that young offenders may have characteristics relevant to their offending behaviour which are different from adult offenders and that there may be factors which are of greater significance in cases involving young offenders including:

- Age of the offender
- Immaturity of the offender
- Group pressure

The guidance requires sentencers to recognise the varying significance of these factors for different ages, but the phrasing suggests that it is under 18's rather than young adults that the SGC has in mind.

There are very limited specific references to the young adult age group in recent guidelines and none in the specific note produced in July 2008 about sentencing for possession of a knife which explained that many more cases should go to prison.

Sentencing practice since 2005 shows a continuing rise in the numbers of young adults in custody. 12,132 young people under 21 were in prison at the

end of July 2008 - an increase of almost ten per cent since 1997. Almost a quarter of the prisoners were on remand, and of those sentenced over a thousand were serving sentences of less than 12 months.

Looking specifically at the 18-21 young adult age range, the numbers in prison rose three per cent between July 2007 and July 2008. The numbers serving sentences rose by four per cent with the 749 young adults serving indeterminate sentences representing a rise of 19% on the position 12 months before.

Considerable pressure remains in accommodating the numbers of young adults on remand. The Prison Service planned to move 18- to 20-year-old remand prisoners in the south-east of England to Wormwood Scrubs, Brixton and Wandsworth prisons in London from 1 May 2007. Indeed it was reported that "private security staff who operate prison vans will decide whether young adults awaiting trial in London are mentally strong enough to survive in these prisons". (Travis 2007) The Chief Inspector of Prisons warned that 18- to 20-year-olds were being placed "in the most pressured part of the system" in adult prisons, where regimes were not suited to their needs. She also raised concerns that prison overcrowding meant it was "extremely difficult" to do checks on vulnerable young offenders. "It's just a case of sending someone where there is space."

Detention in a Young Offender Institution (DYOI)

The one area in which the special status of young adult offenders is recognised is the sentence of Detention in a Young Offender Institution available for young people up to 21. The sentence is served in specialist Young Offender Institutions and in contrast with older adults all sentences however short are followed by a period of supervision on licence in the community. This relatively modest protection for the age group will disappear if provisions to end the sentence contained in the Criminal Justice and Courts Services Act 2000 are implemented, but for the moment the government has decided against doing so. Provisions in the Offender Management Bill to

enable young offenders at 18 to be moved into adult prisons were withdrawn in May 2007 and a 'suite of proposals' were announced to address the specific needs of a wider group of young adults from 18-24 years old.

Policy on Young Adult Offenders

These include:

- Piloting a specification for a new regime for this age group as part of plans to increase the capacity of the prison system
- Setting up a pilot to consider how such a regime could operate not only in prison but as part of supervision on release in the community
- Establishing a demonstration project to explore the management of this age group in the community in Wales
- Studying the value of mentoring and "wraparound" services based on meeting individual needs
- Incorporating an adolescent development package into the training required on offender management
- Requiring Regional Offender Managers to agree key priorities for this age group in 2008-09 and in the longer term - the development of a specification for this age group to be delivered by service providers
- Implementing recommended actions arising from the report of the inquiry into the death of Zahid Mubarek in Feltham Young Offender Institution which include reviewing whether the advantages of holding young offenders on the same wing as adult prisoners outweigh the disadvantages, and whether the practice should be extended

- Implementing an improved NOMS/YJB protocol to ensure effective transition arrangements are put in place in respect of 18 year olds who move from YOT to probation supervision

The proposals to emerge from the project go some way to meeting the Commission's recommendations and represent in part an effort to give effect to the government's 2001 manifesto commitment to "build on our youth justice reforms to improve the standard of custodial accommodation and offending programmes for 18- to 20-year-old offenders" (Labour Party 2001).

The evidence about the standards of policy and practice with young offenders to emerge since 2005 leave little doubt about the need for action. A thematic report by the Chief Inspector of Prisons on male young adults in prison found the inability to occupy young adults purposefully to be the most common failing (HMIP 2006) Resettlement and rehabilitation for this age group is compromised by the considerable distances from home of the establishments where they are held and fewer than half of young adults surveyed said that they knew where to get help. The report concluded that young adults remain a group whose needs have not been systematically addressed over the last five years, in spite of their evident needs and their high re-offending rates.

Recent assessments of individual YOIs illustrates the scale of improvements that are needed in the custodial estate. When the Chief Inspector of Prisons reported on a visit to Norwich Prison and Young Offender Institution in 2007, she found widespread bullying among the young adults held there, with almost two thirds reporting that they had felt unsafe. Self-harm incidents had more than trebled over the previous twelve months. Over half of the young adults were locked in their cells during the day. No workshops were available. The inspection report concluded that "Young adults, many of whom would spend the whole of their sentence at Norwich, were therefore likely to leave prison without having increased their chances of employment or decreased their chances of re-offending" (HMIP 2007). At Doncaster, the living conditions for young adults in particular were described as 'squalid', reflecting

a widespread lack of attention to the needs of this group, some of whom were spending substantial periods of their sentence there.

Despite widespread misgivings from the inspectorate, among practitioners and pressure groups about the proposal to abolish DYOI, the report of the inquiry into the murder of Zahid Mubarek in Feltham YOI surprisingly saw some possible advantages in mixing young adults and adults. The selective use of such an approach of course would not be the same as what the Chief Inspector warned of as simply decanting young adults into the mainstream adult prison population. But the danger remains that the pressures of population management will prevail over the needs of young people.

Community sentences

Research on community sentences suggest that they need to be more responsive to the needs of young adult offenders. A report by the Centre for Crime and Justice Studies examined the use of the new Community Order and Suspended Sentence Order for adults aged between 18 and 24 since its introduction in 2005. It found that there is a heavy reliance on unpaid work programmes and much less use of education, training and employment programmes and substance misuse programmes despite the fact that young adults have distinct needs in these areas. It found “little innovation in the practical application of the new sentencing arrangements for young adults with the Community Order appearing to mirror the old community sentences”. It concludes that there is a case for reviewing the responsiveness in sentencing for young adult offenders.

The report also notes that there is no evidence that the Community Order or the Suspended Sentence Order is resulting in a reduction in the number of young adults given custodial sentences, as was hoped prior to their introduction.

Policing

Police forces are moving more towards working in partnership with other organisations to help break down barriers with the community – in particular through neighbourhood policing). Regarding young people, the Metropolitan Police has a specific policy of ‘problem solving policing’ to introduce training for police officers and PCSO’s. The Prince’s Trust help them do this by taking on seconded officers as Team Leaders on their programmes for a few weeks at a time – providing “real life” experience on dealing with young adults (usually 16 to 25), often with complex needs.

A new ACPO Children and Young People Strategy launched in 2008 is entitled “It’s never too early, it’s never too late” but has little to say about the young adult age group, concentrating rather on early intervention with children at risk of offending. Since 2005 there has been growing concern about the possession and use of knives by young people, with the development of specialist strategies to prevent young people becoming involved in gangs. Both main political parties have recently announced their intentions to increase police powers to stop and search people in the street- something which is likely to impact disproportionately on young adults from black and minority ethnic groups.

Chapter 3

Health, Housing and Social Care

Recommendation 4: Target mental health services on young adults

Recommendation 5: Improve access to addiction treatment for young adults

Recommendation 7: Improve housing for young adults

Recommendation 8: Improve access to health and social care for young adults

Responding to young offenders in ways which are most likely to encourage desistance from crime requires the involvement of a wide range of agencies outside the justice system. The evidence about how well children and young people in general are faring in the UK is not encouraging. An international survey published in 2006 placed the UK near the bottom of a league table of child well-being in the EU (Bradshaw et al 2006). Analyses of assessments undertaken by the probation service on young adult offenders found, compared to other age groups lower educational achievement, higher problematic alcohol and substance misuse, higher incidence of mental health issues and more significant deficits in attitudes, thinking and social skills. (NOMS 2007.)

The Social Exclusion Unit report on the needs of young adults with complex needs found “there are relatively few examples of public services that address the needs of 16- to 25-year-olds in the round or ensure an effective transition from youth services to adult services.” (SEU 2007). The Home Affairs Select Committee’s report on young black people concluded it was not just a question of making services more appropriate, accessible and targeted, “but there is also some need for extra resources in areas such as mental health services, drug treatment and housing policy.” Shortfalls in services for young

people in general are likely to impact particularly severely on young offenders in particular.

Housing

In terms of housing, in 2004 the Youth Justice Board (YJB) found 15% of all young offenders were identified as having housing need, but in a more detailed recent study of a sample of offenders, all were found to be in housing need (YJB 2007). Three quarters of the sample had lived with someone other than a parent at some time and 40% were, or had been, homeless or had sought formal housing provision and/or support. Young adults represent a greater proportion of those accepted as homeless by local authorities than in 1997. The Corston report has drawn attention to the specific problems for young women in finding appropriate housing: there have been efforts to provide greater assistance to children leaving care many of whom are or are at risk of becoming involved in criminal justice. Legislation passed in 2001 aims to ensure that a Local Authority will provide help until a young person reaches the age of 21, and in some cases 24. The response on the ground has been mixed with some local authorities setting up "systems to try to avoid responsibility". (Cragg 2007) There has been no progress on the question of raising housing benefit for under 25's.

Local authorities have a duty to house people who are vulnerable because of being discharged from prison (this was an amendment made to the 2002 Homelessness Act to make vulnerability due to discharge from prison, a specifically identifiable cause of vulnerability.) But it is much less strong in England than the requirement in Wales. The new Public Service Agreement 16 to "Increase the proportion of socially excluded adults in settled accommodation and employment, education or training" focuses on four client groups, including adult offenders, and includes as one of its national indicators the "proportion of offenders under probation supervision living in settled and suitable accommodation at the end of their licence". This will also be one of the 200 indicators for local authorities' performance and may be included in a Local Area Agreement approved by the Local Strategic Partnership. There seems to be a wide consensus, including in the YJB, that

this will now be the crucial framework for improving performance by local authorities on matters for which they have responsibility, but it is still to be seen how much difference will make in practice. It is unfortunate that no specific mention was made to the needs of the young adult age group.

Drugs and Alcohol

In respect of lifestyle issues, evidence about the use of drugs and alcohol continues to be of particular concern. Admissions to hospital for alcohol related problems has risen by a third for under-16's and doubled for adults in the last ten years and it is estimated that one in ten of 16 - 24 year olds used hard drugs in the last month. Cocaine is used by one and three quarter million young adults, a number which has doubled in seven years. The Conservative Party Social Justice Commission concluded that "the current scale of prevalence of alcohol and drugs is historically unprecedented and that young adults are engaging in a new culture of intoxication". (Conservative Party 2006) It is certainly true that assessments of young adult offenders showed that alcohol misuse is one of the factors that distinguish the age group from older offenders. Several sentencers told Baroness Corston that they had noted an increase in young women appearing before them who had clearly abused alcohol. It is widely accepted that there is a shortfall in services. (Corston 2007.)

The National Institute for Health and Clinical Excellence (NICE) ¹ has produced guidance on community-based interventions² to reduce substance misuse among vulnerable and disadvantaged children and young people (NICE 2007). This provides advice on helping young people access the right support and services and outlines effective individual, family and group-based support, which can improve motivation, family interaction and parenting skills. NICE makes recommendations with respect to different groups of children and young people including all those problematic substance misusers

¹ See: <http://guidance.nice.org.uk/PHI4/guidance/pdf/English/download.dsp>

² Community-based interventions are defined as interventions or small-scale programmes delivered in community settings, such as schools and youth services.

(including those in schools or further education) under the age of 25 who are vulnerable and disadvantaged.

For any child or young person under the age of 25 who is vulnerable and disadvantaged, local strategic partnerships are expected to develop and implement a strategy to reduce substance misuse amongst this group as part of a local area agreement. In addition, practitioners and others who work with this group (NHS, local authorities and the education³, voluntary, community, social care, youth and criminal justice sectors) are expected to screen for drug misuse or risk of misuse. It is also recommended that they work with parents or carers, education welfare services, Children's Trusts, child and adolescent mental health services, school drug advisers or other specialists to either provide support or referral to appropriate service providers.

It is recommended that vulnerable and disadvantaged children and young people aged under 25 who are problematic substance misusers (including those attending secondary schools or further education colleges) should be offered one or more motivational interview(s) according to the young person's needs. Each session should last about an hour and the interviewer should encourage them to discuss their use of both legal and illegal substances, reflect on any physical, psychological, social, education and legal issues related to their substance misuse and set goals to reduce or stop misusing substances.

In England, a target has been set to increase the number of young people under 18 with drug problems entering, receiving and completing treatment programmes by 50 per cent between 2004 and 2008, with NTA monitoring performance (HM Treasury 2004). In 2005 the NTA provided guidance on the essential elements of young people's substance misuse treatment services (NTA 2005). In addition, a directory of substance misuse services for young people in England has been published by NTA⁴ and a directory of residential

³ In schools this includes teachers, support staff, school nurses and governors.

⁴ For information see:

http://www.nta.nhs.uk/about_treatment/treatment_directories/young_people/default.aspx

services for young people under 18s.⁵ A recent joint review by DfES and NTA found that there is still considerable regional variation in investment, access and quality of provision for under 18s, not necessarily reflecting local needs. From April 2008 the NTA is to take on a leadership role for young people's substance misuse treatment in England.⁶

As with young people in other vulnerable groups, in England and Wales, each stage of the youth justice system is seen as an opportunity to identify those at risk of becoming problematic users or who are in need of specialist treatment. All are expected to receive screening for substance misuse issues and those identified with a problem to receive an assessment within five working days, and within 10 working days of this, access to early intervention or treatment services.

The Drug Interventions Programme⁷ in England has piloted youth-centred models of arrest referral and drug testing for 14 to 17 year olds charged with those crimes that are most often linked to drugs.⁸ An evaluation of these schemes found few young people involved in the arrest referral pilots to be problematic drug users and only five per cent were using Class A drugs, therefore, there was insufficient evidence to demonstrate its effectiveness. The NTA and the former Department for Education & Science, now the Department for Children, Schools and Families (DCSF) and the NTA agreed a Memorandum of Understanding (MoU) in late May 2007. This includes:

- Developing guidance on the types of treatment likely to be most effective with this age group, including a clear definition of treatment based on harm arising from current use; a further range of guidance to

⁵ For information see: [http://www.nta.nhs.uk/programme/national/Young per cent20people per cent20directory.pdf](http://www.nta.nhs.uk/programme/national/Young%20people%20directory.pdf)

⁶ For more information see: www.nta.nhs.uk

⁷ For more information see: <http://www.drugs.gov.uk/drug-interventions-programme/>

⁸ Arrest referral schemes for children and young people (10 to 17 year olds) were piloted in ten areas; all were operational from August 2004. On-charge drug testing of 14 to 17 year olds under Section 5 Criminal Justice Act (CJA 2003); piloted in five areas have been operational from August 2004. Statutory powers to test young people at the pre-sentence stage and while on licence also exist under the CJA 2003 but were not enacted during the evaluation period.

assist local areas with commissioning, needs assessment and planning for 08/09.

- A commitment that by 31/10/07, and in each subsequent year, the NTA will review each areas plans - and the assessment of need upon which these are based - to deliver treatment to meet identified need, and report to DCSF on their adequacy with any proposals for remedial action where required.
- Each area to produce a quarterly progress review against plan, reporting any areas where remedial action is required to DCSF.
- Provide partnerships, DCSF and other government departments with a monthly National Drug Treatment Monitoring System (NDTMS) report on Young People's treatment.

Mental Health

Since the *Lost in Transition* report, although there is evidence at a policy and practice level of a greater *awareness* of the need for better management of transitional stages between young people and young adults' services, practice continues to remain patchy and inconsistent, lagging some way behind this awareness. The Sainsbury Centre for Mental Health have had reported to them a number of difficulties by young people and practitioners during the course of their work.

Custody for young people

A number of young people in the young people's secure estate (YPSE) - i.e. custodial units for under 18 year olds - reported high levels of anxiety when moving from either a small Secure Care Home into a Young Offender Institution (catering for 15 to 18 years) or indeed from the latter into a YOI for 18 years plus. Variable emotional and practical support was offered to support these transfers. For example, only a few young people were accompanied by a familiar worker at the point that they moved. Some young people talked about:

- too little information being available about new locations
- changes in the availability of educational opportunities
- changes in expectations on the part of staff, in the culture of the unit and a lack of preparation for these changes
- fear of bullying and violence.

Many reported experiencing or witnessing more assaults and violence when they moved to YOIs for young adults.

Learning disability and the custodial regime

1 in 5 young people in the YPSE has a learning disability⁹. Learning disabilities, at whatever age, can often affect both young people's and adults' ability to cope with institutional regimes, particularly where these regimes have been developed taking into account the average ability range. The North West Commissioning Group is completing investigative work in this area¹⁰ in the UK and is currently piloting a regime in an adult prison in that region specifically for those with learning or developmental difficulties. The learning points from this evaluation will be interesting to monitor and may provide additional information about the fit between custodial regimes and levels of cognitive ability and developmental maturity.

No diversion model for children/young people/young adults with mental health vulnerabilities

Workers are in place in a number of police cells around the country to try to divert some adults with mental health problems into appropriate health care, rather than letting them drift into criminal justice settings. However, hardly any similar police cell-based activity exists to prioritise and divert young

⁹ Chitsabesan P., Kroll L. et al (2006) Mental health needs of offenders in custody and in the community. *The British Journal of Psychiatry* (2006) 188: 534-540.

¹⁰ North West specialised commissioning team (2007) North West Secure Services Strategy – implementation plan for Secure Learning disabilities. Draft.

people with emerging and complex mental health vulnerabilities. As a result, young people with mental health difficulties have become over-represented in custodial settings. This lack of systematic provision to divert vulnerable young people toward more appropriate packages of mental health and social care needs urgent attention by commissioners. The Department of Health, the Youth Justice Board and the Sainsbury Centre for Mental Health have established two developmental posts to investigate and support practice in this area of work with young people. The Sainsbury Centre for Mental Health is also currently completing an international literature review on diversion for adults and young people with mental health difficulties. The needs of those in transition between young people's and adult services will be considered as part of this study.

Child and adolescent services for young people

There are still geographical inconsistencies in the age ranges being catered for by Child and Adolescent Mental Health teams. Some engage with 16 years-olds to 18 years-olds, others do not. This variation can create gaps in provision for young people in some local areas. The selection of the age of 18 for the transfer of young people to adult mental health services appears arbitrary and is without robust rationale. Many eighteen-year-olds share common needs with seventeen year-olds. For example, both are reported by practitioners to respond better to more proactive, supportive and outreach mental health services. Some workers have also suggested that there is a case for creating young adult specific health and mental health services. For example, staff in inpatient and adolescent medium secure units talked about the inappropriateness of transferring young adults into adult orientated hospital settings, and they would like to see more specialist mental health care units for the 18-21 or even 18-25 age group, similar to the YOI system.

Chapter 4

Education, training and work

Recommendation 6: Improve educational and employment opportunities for young adult offenders

Problems remain too in the area of education, training and work where recent data from the Department of Work and Pensions shows 11% of 16 to 18-year-olds were not in education, employment or training at the end of 2006, despite the introduction of specialised diplomas and apprenticeships to keep young people off the dole. The figures mean it is almost certain to miss the targets it has set itself for reducing the proportion of 16 to 18-year-olds not in work or education to 8% by 2010. These young people form part of an estimated 1.2 million 16-24 year old “NEETS”- not in employment education or training. (The Prince’s Trust 2007a.)

The Offenders’ Learning and Skills Service (OLASS) went live across England on 31 July 2006 following a year-long trial in three development regions – the North West, South West and North East. The new delivery arrangements build on the partnerships established in April 2004 between the Learning and Skills Council (LSC) and the National Probation Service to address the learning needs of offenders in the community. The government paper Reducing Re-Offending Through Skills and Employment: Next Steps (2006) promised to use Children’s Trusts, Local Area Agreements and 14-19 partnerships to plan and develop education services to meet the needs of young offenders and to pilot 14-19 reforms for young offenders

Consistency of delivery: education and training programmes need to be available for long enough to make a difference, including across changes of custodial establishment, and being able to carry credits forward.

Qualifications, and attendance on courses in prison, should be transferable to

college and count towards further qualifications. Prison programmes should not exist in isolation from mainstream ETE. This does appear to be improving and OLASS is still a new service so will take time to have impact.

Mainstream providers need to work closely with alternative providers who are able to bring different experiences to bear in working with young people, and who offer programmes that address the needs of the young person, which are not being met through formal education. The outcomes of many of these programmes do not fit neatly into curriculum targets: they need to be assessed and incorporated because, for many young people, they can make all the difference in whether they return to mainstream education.

In addition, the emphasis on ETE could divert attention and much needed resources on the vital preliminary work to get offenders ready to take up ETE opportunities. Many young people need support and help on a range of other issues before they can consider ETE. Their mental health needs, accommodation requirements, addiction issues and family difficulties, unless dealt with at an early stage, will divert offenders' attention and energy from seeking ETE opportunities. However, these things are harder to measure.

Employment

“Employability” is not just about formal qualifications: it is also about entering the world of work with an ability to work in teams, have good communication skills, be self-motivated, tolerant etc. Aiming High (10 Year Strategy for Positive Activities) suggests that the government has started to acknowledge this but their targets and performance indicators continue to drive “harder” outcomes such as qualifications.

The problems of prison overcrowding and the “churn” which this generates means local employers will struggle to identify sufficient numbers of offenders to be released onto their work programmes. It is important, therefore, that the focus on employment should be on a mix of local, regional and national programmes to support offenders.

There is a continuing need to challenge employers' perceptions . Many ex-offenders need on going support into employment and often a degree of flexibility and tolerance. The levels of support and tolerance demonstrated in specialist programmes (resettlement, personal development etc.) which help retention are not sustainable by most employers who naturally want to concentrate on creating the most effective workforce to do 'the job'.

Regarding the benefits which ex-offenders bring to certain jobs e.g. work with young offenders, youth work etc. there is now more of a recognition that this is an area for development. For example, Aiming High includes plans to grow training opportunities for young people who themselves have faced barriers. This goes hand in hand with the growth in user involvement

The Prince's Trust has worked with National Youth Agency and YMCA England over the last three years to develop Youth Steps – an accredited (Level 1) programme to introduce young people to youth work who have come from personal development and other support programmes. Experience suggests that there is an increased appetite for involving, if not employing young people.

Another Prince's Trust experience relates to changes in funding for a programme which traditionally appeals to ex-offenders. The Business Start-Up programme offers grants, loans and mentor support for individuals (18 to 30) who want to set up their own business. A large number of people leaving custody consider this option because it by-passes some of the barriers encountered in applying and securing a job with an employer. National DWP funding has been terminated and the programme has had to down-size.

More positively, The Prince's Trust has employed Mark Johnson as a consultant adviser to develop and roll-out a programme of 121 support for offenders by ex-offenders. He is working with a Steering group (The Prince's Trust, Probation, Prison Service and Drugs Treatment Centres.) The idea

came from an offenders' seminar in December 2006 chaired by HRH Prince of Wales.

Chapter 5

Moving Forward

Recommendation 9: Develop better measures of success

The evidence suggests that the recommendations made by the Commission in 2005 are in every way as relevant now as they were two years ago. While there has been some progress in identifying and meeting the needs of young adult offenders, there is much more to do. Structurally, there is still a lack of flexibility in responding to young people in transition.

The Commission's view was that the creation of T2A Teams could be a stepping stone towards a unified criminal justice system. Experience over the last two years suggests that the boundaries between Youth Offending Teams and Probation services are difficult to permeate. There are examples of good protocols between the services clarifying the transfer arrangements and procedures for dealing with offenders aged sixteen to eighteen years, but the development of joint assessment, supervision and support for this age group is still at an early stage.

In order to assist development, it seems sensible to look not necessarily to create fully fledged organisational structures but to encourage a range of approaches building on existing models of practice better to meet the needs of young adults in transition.

Examples of such models might include:

a) Extending the Youth Offending Team's responsibilities to complete the supervision of all young people made subject to community orders and Detention and Training Orders. A young person aged 17 on conviction but 18

at the time of sentence, who received a 24 month DTO, would be 19 by the time of release. While the government take the view that it is not acceptable to keep someone of that age in the juvenile estate, YOTs could be encouraged and resourced to take a more flexible view about their continuing involvement in community supervision.

b) Encouraging cooperation between youth reparation and young adult unpaid work placements. Work in the Thames Valley has shown that both juveniles on reparation orders and adults on unpaid work can contribute successfully to the same community projects. Such cooperation can assist local people in providing young offenders with the opportunity for a wider range of placements.

c) Young Adult Resettlement. There is a major gap in services for young adults leaving custody. Those subject to DYOI receive supervision on release but this often cannot meet the various accommodation, employment and relationship problems faced by young adults. Models for meeting the resettlement needs of young adults leaving YOIs and prisons have been piloted by RESET, which is a diverse project with over 50 partners funded by the European Social Fund (under the Equal Community Initiative Programme) and by individual contributions from partners. Rainer Crime Concern, the young people's charity, is the lead partner. RESET comes to an end this year and will be showcasing its key findings to a range of audiences including policymakers, practitioners, media and partners.

d) Creating Young Adult Offending Teams. A more systematic and comprehensive multi agency response to the young adult age group could be achieved through a locally managed Young Adult Offending Team (YAOT) . Modelled on the YOT, the idea of an adult offending team (AOT) was first proposed in the LGA report *Going Straight* in 2005 (LGA 2005). One option would be initially to limit the responsibility of the AOT initially to the young adult age group, those aged 18-24. A dedicated team of staff from probation, health, employment and police could be given responsibility for the supervision of all young offenders in the 18-21 age range. Such an approach

could build on the Priority and Prolific Offender (PPO) schemes; most of whose case load are in their 20's and the Drug Intervention Programme (DIP) which focuses on managing those with addiction problems.

In addition to these areas for development there are three aspects of work which promise a better approach to young adult offending - using restorative justice, localising responses and encouraging the participation of young people themselves.

(i) Using Restorative Justice (RJ)

If a more sparing use of criminal justice is to be made then an alternative way of responding to harms caused by young people needs to be put in its place. While aspects of RJ have been developed extensively in youth justice, its availability in the adult system is currently very limited. Research is increasingly showing the benefits of RJ to victims and while the impact on offenders is more mixed, there is sufficient positive evidence to justify some investment. A good deal of the most positive evidence has been found in experimental and other work involving young offenders (Sherman and Strang 2007)

(ii) Localising responses

Evidence is increasingly showing high geographical concentrations of offenders known to the criminal justice system. A study in Scotland found that while the imprisonment rate for men as a whole in Scotland was 237 per 100,000, the rate for men from the 27 most deprived wards was 953 per 100,000. For men aged 23 from those wards the rate was an astonishing 3,427 per 100,000 (Houchin 2005). A study in Gateshead found that almost a quarter of the offenders who became known to the criminal justice system in 2005-6 lived in two out of 22 electoral wards while a half lived in just five. (Allen et al 2007). Half of the wards account for 80 per cent of the known offenders. In four wards more than one in a hundred residents is under probation supervision while in others the rate is less than one in a thousand.

The distribution of the 322 probation cases in Gateshead who, as at August 2005, were or had been in prison shows a slightly higher concentration with just over a quarter from the top two wards.

One way of addressing these concentrations is for the probation service and other agencies to develop more of a presence in the neighbourhoods where their caseload is concentrated. Mapping work in the US has led some probation services to reorganise their work on a geographical basis with a small group of officers assigned responsibility for all of the cases from a particular locality. Such an approach enables the probation service to get to know the strengths and resources within particular neighbourhoods as well as the problems. In England patch based probation services were developed in the 1970's but recent practices have militated against such a localised approach. Programmes tend to be delivered according more to the type of offender than on a geographical basis. The National Probation Service's 'estates strategy' through which decisions are made about the location and staffing of buildings and facilities has reduced the flexibility that probation areas have about the use of property. (Allen et al 2007). The development of the so called Diamond Districts initiative in which enhanced multi agency resettlement programmes are being planned in pilot neighbourhoods in London offers a possible model for further development.

(iii) Young Offender Participation

The final suggestion is that greater efforts are made to involve young adult offenders themselves in the development of policy and practice. Suggestions made by young people to The Prince's Trust have included that more mentors and workers should be available with similar experiences to support them; greater incentives to take on education courses in prison; a tailored, in depth pre-release programme established in every prison; investment made in schemes that provide training and supported employment for ex-offenders, led by ex-offenders; and more opportunities for young people to put something back into their communities. A Task Force established by CLINKS has considered how the voice of service users can be better incorporated in

various ways. These include having a greater say in the recruitment and training of staff of criminal justice organisations and through greater opportunities for ex offenders themselves to obtain employment in the sector, as well as by contributing more systematically to the development of policies by government and criminal justice agencies and through participation in the commissioning of services by the National Offender Management Service and other relevant bodies. Such an approach is consistent with the responsibility model of desistance and emerging criminological evidence which places value on seeing offenders as active contributors to their own rehabilitation. (Raynor 2004)

Conclusion

Whether these specific suggestions are taken forward over the coming years depends in part on whether governments can free themselves from the straitjacket of punitive populism, and in part on taking seriously the developmental needs of this age group.

Given the growing body of evidence about the needs of adolescents and young adults, the shortcomings of the existing approaches to meeting them , it can only be hoped that policy makers respond positively to the challenges laid down by the Commission in 2005 and other recent work.

ANNEX A

Commission Recommendations

Recommendation 1: Develop a unified criminal justice system and T2A Teams

> Using age as the arbitrary division between youth and adult criminal justice systems is unwise and prevents sensible approaches for dealing with well-understood problems of young adult offenders. In the long term, a unified criminal justice system should be developed which removes the need for two separate systems and which enables interventions to be tailored to the maturity and needs of the individual.

> As an interim but immediate transitional arrangement, Transition to Adulthood Teams (T2A Teams) should be established in every local criminal justice area to take responsibility for young adults in the criminal justice system. T2A Teams should comprise representatives from the National Offender Management Service, Youth Offending Teams, Connexions, Drug (and Alcohol) Action Teams, local authorities and the independent and voluntary sector. A National T2A Champion should be appointed with strategic oversight of local teams.

> T2A Teams and the T2A Champion should give special attention to the needs and special circumstances of young black and minority ethnic adults. This should include ongoing scrutiny of programmes and policies to ensure they do not treat young black and minority ethnic adults with disproportionate severity and sustained efforts are made to develop culturally appropriate interventions for distinct groups of young adult offenders.

> T2A Teams should also pay special attention to young adult female offenders. Though a small percentage of young adult offenders, young women in the criminal justice system have distinct problems and needs, ranging from caring for dependent children, to being in abusive relationships, to having a high likelihood of mental health problems. They need to be offered

more effective support within the criminal justice system and especially in custody.

Recommendation 2: Take into account age and maturity of young adults when sentencing

> Sentencers should be required to take into account the age and emotional maturity of the individual, and the nature of the crime of young adults.

Specialists in the National Offender Management Service should give an assessment of an offender's maturity to the court. Sentencers should also be given training in youth issues.

> There should always be a strong presumption against custody for young adults. As most young offenders stop offending at age 23, it would make sense to require sentencers to refrain from imposing custody in all but the most serious cases until after then.

> Young adults convicted of first time or minor offences should be diverted away from the criminal justice system wherever possible through the use of conditional cautions or the extension of youth offender panels.

Recommendation 3: Improve the policing of young adults

> The Independent Police Complaints Commission and Home Office Stop and Search Action Team should convene an Advisory Group of young adults in order to enter an ongoing dialogue about policing of young people, in particular highlighting the disproportionate impact of policing on black and minority ethnic young adults.

> Police should develop local community forums for engaging with young adults to develop non-discriminatory policing practices towards youth and to enable them to influence policing priorities and strategies. The forum should be used to share local 'Section 95' statistics on race and the criminal justice system, and to publicise the complaints procedure. The forums should use community mediators.

Recommendation 4: Target mental health services on young adults

> Each primary care trust should have a strategy for young adults with mental health care needs, including within the criminal justice system. The National Offender Management Service with the Department of Health should consider how young adults with mental health problems can be identified and diverted away from custody where possible.

> Particular attention should be paid to black and minority ethnic young adults, a group over-represented in both the criminal justice system and in mental health care. This group should be fully represented in all relevant crosscutting documents and strategies – including the Offender Mental Health Care Pathway, and Delivering Race Equality in Mental Health Care.

Recommendation 5: Improve access to addiction treatment for young adults

> Protocols on transition between youth and adult services should be developed at local level by Drug (and Alcohol) Action Teams.

> Prison drug treatment teams should work with the National Offender Management Service, the Department of Health and the National Treatment Agency to find the best way of working with young adults with drug problems in the criminal justice system.

Recommendation 6: Improve educational and employment opportunities for young adult offenders

> Young adults under the age of 23 (the age at which a substantial amount of desistance combined with the transition to adulthood has occurred) should not be required to disclose criminal convictions to employers (with certain exceptions such as sexual or violent offences).

> Young adults in custody should be given a chance to take part in learning programmes and gain the skills they need and qualifications that are comparable to those in mainstream education. The Offender Learning and Skills Strategy, produced by the Department for Education and Skills, should highlight how the educational needs of young adults differ from those of older adults and younger people.

- > There should be joint training between Youth Offending Teams and the National Offender Management Service in recognising the full range of learning difficulties in young adults. Regional Offender Managers should commission good practice work for all young adults with learning difficulties.
- > The Department for Work and Pensions should lengthen the time that young adults can spend on unpaid work experience to six weeks before they lose benefits.

Recommendation 7: Improve housing for young adults

- > The amount of housing benefit to which a young person under the age of 25 is entitled to should be raised to the same level accorded to those over the age of 25.
- > A statutory duty should be placed on local authorities in England, as currently happens in Wales, to house ex-prisoners on their release. While ideally this requirement would be extended in England to all ex-prisoners, this initially should be piloted with young adults leaving prison, as they are a particularly vulnerable group and should be prioritised.

Recommendation 8: Improve access to health and social care for young adults

- > Local service providers should be required to undertake 'needs assessments' for young adults in their area. Provision of appropriate services as well as transition from youth services should be considered.
- > The Office of the Deputy Prime Minister, Department of Health, Department for Education and Skills, Department of Work and Pensions and the Home Office should provide joint funding to establish a pilot model of 'one stop' shops offering support services for young adults. These should include access to a personal adviser who is able to help the young person navigate the services available.

Recommendation 9: Develop better measures of success

> The current focus on reconviction rates as the main measure of success in the criminal justice system hinders the development of good practice and obscures other factors which contribute to reoffending or desistance. Improvements in life chances and life skills should instead be monitored as more accurate measurements. The criminal justice system should be measured and judged on its ability to promote improvements in social outcomes for young adults and desistance from crime.

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