



December 2013

Response to “Transforming the management of young adults in custody”

The Association of Youth Offending Team Managers (AYM) is glad of the opportunity to respond to the Government’s proposal for changes in the management of young adults in custody. In developing this response, we circulated the inquiry’s questions to our members across England. Membership of AYM is open to all heads of service and managers in the 139 youth offending teams (YOTs) in England. Currently we have a membership of over 160, and the majority of YOTs have at least one of their managers who is a member.

YOT managers regard themselves to be well placed to comment on the management of young adult offenders. A large proportion of them have been subject to full, multi-disciplinary assessments and supervision by youth offending teams; we have a strong insight into the level of their vulnerability and the level of risk they pose to others. In recent years we have invested heavily in improving the transition of young offenders from the youth justice system into the adult criminal justice system. We agree with the comments made by HM Inspectors of Probation who reported on transitions in October 2012 and said: “Transitions matter. They are important rites of passage which, if successfully negotiated, can advance a young person’s journey to adulthood. For young people who offend, this period can be problematic and signify changes in key relationships, often at a time of peak reoffending. Effectively handling the many transitions that young people in the criminal justice system have to make is challenging but of paramount importance.”

We note that the Government proposes to “develop a new approach that provides a consistent framework within which young adults can progress through their custodial sentence in mixed institutions as part of the wider adult estate,” and that it believes that in future it should allow custody providers to: “allocate young adults to an institution based on an assessment of their risks, needs and circumstances, including allocating them to the most suitable resettlement prison where appropriate”. The Government recognises that these

changes would mean it has to “repeal the sentences of DYOI and custody for life, and allow for young adults to be sentenced to imprisonment and committed to prison”.

AYM has no argument with the principle of allocating to custodial establishments according to risks and needs, nor, of course, do we oppose the greater focus on resettlement through the introduction of resettlement prisons. However, we do have a number of serious concerns which we outline below in our responses to the questions presented in the consultation document. In particular we do not believe that the safeguarding and resettlement needs of 18-21 can be best met in an adult-orientated prison system. In our view there are stronger arguments for, and far fewer risks associated with extending the age range of the entire youth justice system to 21 than there are for placing 18-21 year-olds prisoners with adults.

Levels of offending are reach their peak for when offenders are in their late teens, and remain high until their early twenties. This is an argument for a specific focus on the resettlement needs of the 18-21 age group, just as there has been a specific focus on under 18s.

Our perception of the ineffectiveness of offender management in the adult system has been reinforced by the recent publication of the joint prison and probation inspection of offender management in prisons. This made very depressing reading, and the inspectors cast doubts on the capacity of the Prison Service to deliver what is expected of it in relation to offender management. By contrast, the youth justice system has for many years operated a successful offender management system in conjunction with the under-18 secure estate.

- This estate is a mixed economy of local authority, public Prison Service and privately-run establishments.
- The large majority of under18s in custody are subject to detention and training orders, served partly in secure accommodation and partly under supervision in the community.
- All these young people have a lead supervisor in the YOT who is responsible for coordinating the effective planning and review of both parts of the order.
- Regular reviews of the sentence plan take place and are attended by staff from the secure estate and the YOTs.
- YOTs and the secure estate share a common case recording system, Asset.

In these ways, and in many others, YOTs and the secure estate are already delivering for under18s the kind of offender management that the adult system aspires to. We conclude that there are strong grounds for maintaining a distinct young adult offender management system outside of the system for older adults.

We would not, of course, advocate mixed provision for under18s with over 18s. Young people in the youth justice system should always be treated as children and protected

from adults, even young adults aged 18 to 21. However, many of the 18 to 21 cohort are “care leavers” with an entitlement to leaving care services coordinated by local authorities. Local authorities are also responsible, in partnership with others, for the delivery of youth justice services, and would be well placed to support the delivery of offender management and resettlement for young adults. We can point to an example of good practice in Tameside, Greater Manchester, where the youth offending service hosts the Probation Service’s young adult offender team at its premises. Joint working is undertaken by staff from both services with 16 to 25 year-olds, including those serving custodial sentences, but in ways which continue to protect children from contact with adults.

We would urge the Government to consider the option of developing a distinct system for young adult offenders along the lines of the current youth justice system, in preference to treating these young adults as part of the “wider adult estate”.

Proposals for reform

1. We are proposing that our new policy accommodates young adults in mixed institutions with other adults and that we target resources on addressing the risks and needs of young adults in all these institutions. Do you agree?

We do not agree. Our reasons are as follows:

- We would be concerned that once the existing safeguards provided by the legislation are removed, young adults will become lost in large, adult-orientated institutions, whose procedures will be geared primarily to the needs of over 21s as they will represent the bulk of the population. For example, we think that inevitably there will be a reduced focus on safeguarding. Adult jails frequently do not understand the concerns raised by staff in youth offending teams about the vulnerability of young people who have turned 18. Issues of vulnerability do not simply disappear on the 18th birthday!
- 18-21 year olds are still going through a process of transition into independent adulthood. Indeed we would argue that this process continues well into their mid-twenties. Many are care-leavers with an ongoing entitlement to leaving care services. As has been noted in the consultation document, there has been a huge drive by many partner agencies to improve transitions at age 18 within the CJS in recent years. We believe this effort is starting to bear fruit. We cannot see how these proposals enhance the work to improve transitions from the youth justice system to the adult CJS. In fact they seem to undermine it, and they are very badly timed, coming as they do, hard on the heels of the splitting up of probation work.

- YOT managers, their staff and staff in the under18 secure estate have, over many years, developed relationships with colleagues in the YOIs. These relationships have helped to ensure that there have been improvements in the handover of cases from under-18 YOIs to 18-21 YOIs including joint work on Asset and OASys assessment systems. The relationships have also helped ensure that some of the most vulnerable young people who turn 18 shortly before the end of the custodial part of their sentence can remain in the under 18 estate. We are concerned that these relationships will be lost to the detriment of vulnerable young offenders.

Developing a coherent approach

2. Drawing on the available evidence, what other factors around risks, needs and circumstances, including age, should we take into account when looking at how we manage young adults in mixed adult custodial institutions?

- It will be important for staff who have previously only worked in adult jails to grasp the physical and emotional developmental issues that are faced by 18-21 year-olds. They are still going through a process of development, and, for some of them, they are highly vulnerable to bullying and exploitation.
- In addition, the leaving care legislation must be fully exploited so that care leavers continue to receive the local authority services to which they can remain entitled right up to the age of 25.

Categorisation and allocation

3. How do we best allocate young adults to institutions in the adult estate to enable a safe and effective custodial sentence and resettlement into the community?

- We note that there are already examples around the country, such as at HMP Winchester, of 18-year-olds being placed on the same wing (albeit not sharing cells) with older adults. Inspectors recently noted that over half of the inmates at this establishment have felt unsafe and that the first night reception arrangements were poor. These are critical issues for vulnerable young adults. However, we also note that 18 year old young women have for many years been transferred from secure children's homes and secure training centres to HMP Holloway. Here, despite coming to an adult-orientated establishment, we understand that in general they have felt safe and that reception arrangements have been good. Lessons could be learned from the experience of both of these establishments.
- The Youth Justice Board has for many years had an aspiration to place young offenders in establishments close to their homes, unless there are overriding treatment needs that can only be met by placing them further away. This aspiration

recognises the importance of maintaining contact with family and with other adults who have a role to play in their resettlement. Clearly one of the key factors in successful allocation to institutions in the adult estate will be the distance of the placement from the offender's home area.

- See also our comments below about girls and young women.

Violence, including gang violence

4. Are there other ways that we should consider addressing both positive and negative aspects of peer relationships in custody?

- We would recommend a review of the research conducted for the Mayor of London's Project Oracle, and, in particular the research into the effectiveness of the Heron Unit at HMYOI Feltham. This unit worked with young people from the London boroughs, many of whom had had experience of being part of gangs.

Safer environments

5. In the context of our proposed new approach, what specific additional measures can we take, including in how we tackle drugs issues, to ensure that young adults experience the custodial environment as safe, and are consequently able to focus on rehabilitation and change?

- As indicated above, we are not in favour of the proposed mixing of young adults with adults, and we think that the immaturity of this age group could lead them to feel the need to "show off" to older prisoners in order to mask their vulnerability. Some of them are likely to be easy prey for more experienced prisoners. Our preferred "additional measure" would be to maintain separation wherever possible.

Transitions

6. What else can we do to support the effective transition of young adults from the juvenile estate, and ensure continuity of support and access to appropriate services?

- Attention will need to be paid to the case management systems in use by YOTs and the under 18 secure estate. It will be crucial that the work on sentence planning which is begun before age 18, using eAsset (which is based on the YOTs' Asset system) is not lost.
- Many of the 18-20 year-olds currently serving their sentences in YOIs are subject to detention and training orders, an order of up to 24 months in length that can be imposed up to the eighteenth birthday. It will be essential to ensure that this order maintains its clear focus on training and resettlement.

7. What specific skills and experiences do you think staff working with young adults should be supported to develop?

- As indicated above, it will be important for staff who have previously only worked in adult jails to grasp the physical and emotional developmental issues that are faced by 18-21 year-olds. They are still going through a process of development, and, for some of them, they are highly vulnerable to bullying and exploitation.
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Securely remanded young adults

8. Are there specific areas that we should consider for securely remanded young adults?

- We would hope to see securely remanded young adults being in custody for as short a period as possible. They should be offered a daily programme of purposeful activities and should be fully engaged by remand management programmes which seek to find safe, non-custodial remand provision for them. Geographical proximity to the home area will be especially important for this group in order for bail support programmes to engage with them.

BAME, equality, diversity and vulnerable groups

9. How might we most effectively take into account the needs of groups with protected characteristics? Please let us have any examples, case studies, research or other types of evidence to support your views.

- It should be incumbent upon the prison providers to prioritise the recruitment of staff, including management staff, from BAME communities. Too often, our staff visit establishments with a high proportion of BAME inmates, but a largely white staff regime. This issue must be addressed.

Female Young Adult Offenders

10. How can we ensure that these proposals, in as much as they apply to the women's estate, are proportionately reflected across the women's estate and reflect any distinct needs of women?

- Very careful consideration must be given to the needs of girls and young women. Although the numbers are very small, as things currently stand they can be moved from a local authority secure children's home to an adult prison. It is essential that an assessment takes place before such a dramatic change is imposed on young women in order to ensure that any progress made in the more therapeutic environment of the children's home is not reversed by a move to an adult prison. We recall the Lord Chief Justice's Lord Woolf's decision in 2000 in relation to Thompson and Venables. His decision ensured that they did not move from a secure children's home to what he described as the "corrosive atmosphere of young offender

institutions". We believe there is even greater potential for a corrosive atmosphere in all-age adult prisons.

Regulation and Scrutiny

11. Are there any additional measures that the Inspectorates or monitoring bodies should consider if we implement this new policy?

- We would recommend the involvement of Ofsted in monitoring the extent to which care leavers receive appropriate provision while in custody and after release.