



Ministry
of Justice

Government Response to the Justice Committee's Seventh Report of Session 2016–17: The treatment of young adults in the criminal justice system

January 2017



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Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

January 2017



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**Government Response to the Justice Committee’s Seventh Report of Session 2016–17:
The treatment of young adults in the criminal justice system**

Introduction

1. The Government is firmly committed to reducing the impact of crime on communities and victims. A great deal of this endeavour must be directed to reforming offenders and making every effort to ensure that our response helps address the challenges that their behaviour poses.
2. Young adults have been and must remain a priority group for criminal justice agencies – partly because of their prominence in terms of numbers, but also because we have an opportunity to steer them in a different direction, helping them to tackle the factors that increase the risk of offending so that they may have fulfilled lives and make a positive contribution to society. Understanding maturity, the central theme of the Committee's report, helps policy-makers and practitioners to renew, refine or re-design approaches, ensuring the best outcomes for young adults.
3. While much of the Committee's report rightly focuses on convicted offenders, and specifically those who experience custody, this response is an opportunity to restate our intention, where possible, to intervene early to prevent young adults from entering the criminal justice system altogether where possible. For those prosecuted and sentenced, we must also when appropriate make sure that there are targeted and high quality community sentences that tackle their offending behaviour.

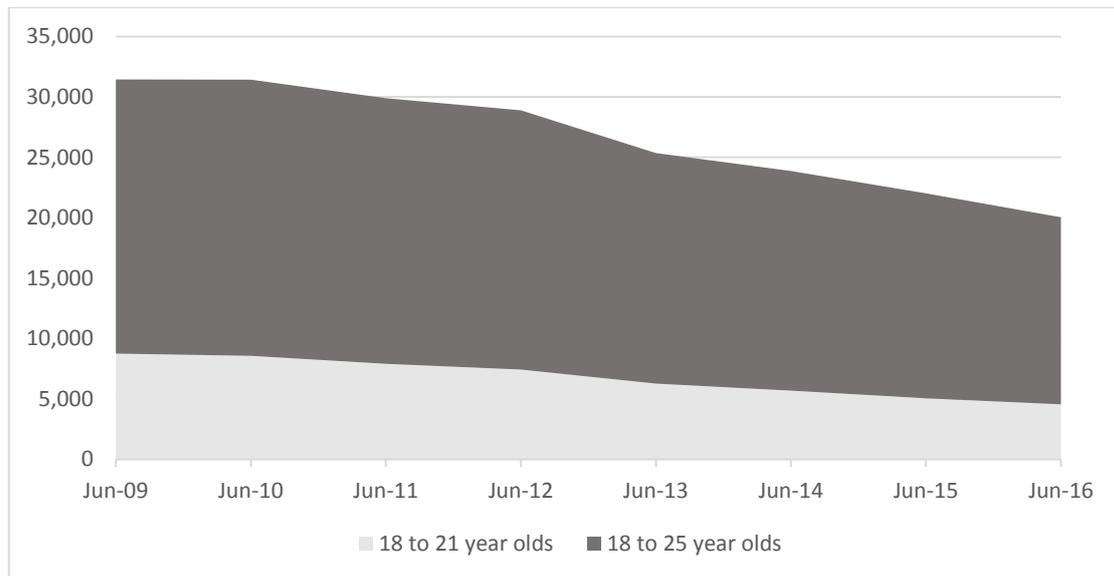
Current trends

4. Over recent years significant efforts have been made to reduce the number of young adults in custody, and support them to address their offending behaviour. There has been a reduction in the number of young adults in the prison population: a decrease by 42% for 18–21 year olds¹ since 2011. As *figure 1* demonstrates, a similar trend applies for the wider age group aged 18–25.²

¹ This age range means from an individual's 18th birthday to their 21st birthday.

² This age range means from an individual's 18th birthday to their 25th birthday.

Figure 1: Young Adult Prison Population 2009–2016



5. However this positive headline is countered by the fact that the average immediate custodial sentence lengths for 18 to 21 year olds has increased by 42% between 2007 and 2015, bringing different challenges for criminal justice agencies who are managing increasingly complex cases. It is difficult to build and maintain motivation and discipline in young adults on long sentences, especially when release seems a distant prospect. Reintegrating young adults into their communities when they have spent their formative years in prison is challenging.

The context of wider reform

6. It is important that the Government's response to the Committee's report is seen in the context of the development of wider work to improve outcomes for all offenders, including our strategic approach to prison reform which is a key priority for the Government. The commitments set out in the White Paper on Prison Reform and Safety³ include a number of strategic responses to problems that will directly benefit young adults in custody. We have covered these in the paragraphs below and, for some, in greater detail in other parts of our response. We recognise however that the number of young adults coming into custody is only a fraction of those who come into contact with the criminal justice system and that while prison reform is important, early intervention must remain at the forefront of our efforts. For those that are sentenced and punished, our priority must be providing effective and credible community sentences where appropriate that keep young adults in the community, and integrated into local education, employment or health services, on which we will shortly set out our plans.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf

7. The recruitment of an additional 2,500 prison officers, as announced in the White Paper, will help all prisoners, including young adults, spend more time out of their cells participating in education, employment and other purposeful activity. The White Paper also sets out the intention to develop a new 'Dedicated Officer' role. Whilst all prisoners will have access to a dedicated officer, young adults will particularly benefit from the support we envisage these roles providing. This new role, will act as a mentor but also someone who will challenge behaviours in order to improve discipline.
8. The Prison Safety and Reform White Paper sets out the Ministry of Justice's commitment to empower governors to, amongst other things, shape incentives and privileges in a way they consider appropriate and effective for their particular population. We are keen to develop, in conjunction with practitioners, an IEP framework that can take better account of the evidence and impact on behaviour.
9. While we believe that many of our wider reforms will directly benefit young adults, the Ministry of Justice recognises the significance of the evidence presented by the Justice Select Committee's report regarding maturity and the particular challenges that this group can pose. We know that by comparison with older adults, young adults are: still maturing; more challenging to manage and harder to engage; more likely to reoffend; more likely to serve sentences for violent or acquisitive offences, and be involved in robbery or low-level drug dealing; and have poorer outcomes (particularly in prison).⁴
10. The Ministry of Justice agrees that developing criminal justice responses in ways which take account of maturity is key to improving results for young adults. There are a range of developments in train which we intend to build on and incorporate within our wider reforms in order to achieve this aim. Given the dynamic nature of maturity we believe it is more important to incorporate this as a principle which informs the wider development of activity and proposed reforms rather than to develop a separate strategy for young adults based on chronological age. We are therefore rejecting the Committee's recommendation for the development of a specific strategy for young adults.
11. Rather, as part of our approach, we want to take pragmatic measures to ensure that the services and interventions related to maturity will be available to the widest number of offenders based on their need. By targeting services in this way, we should see an efficient use of resources, and the most effective outcomes for those who need them. We do not accept the recommendation to specifically attach additional resources to this age group in a way similar to a "pupil premium".

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/462169/Better_Outcomes_for_Young_Adult_Men__P1_1_.pdf

Detailed responses

Acknowledging maturity and 18–25 year olds in the criminal justice system as a distinct group

12. It is widely accepted as a principle by those working in the criminal justice system that young adults (and especially men) will continue to mature into their mid-twenties, in line with the considerable scientific evidence gathered and presented by the Committee. Though now better articulated, this principle already informs operational practice. National Offender Management Service (NOMS) and MoJ publications will continue to highlight the relevance of maturity throughout young adults' journeys through the criminal justice system, drawing on existing work, the research carried out externally by bodies such as Transition to Adulthood Alliance (T2A) and through wider relevant search findings as they become available.
13. As the Committee report has noted maturity is already taken into account in guidance that supports operational decision making and commissioning in a range of different ways:
- NOMS has published evidence-based guidance for commissioners and providers of reform and rehabilitation services in *Better Outcomes for Young Adult Men*⁵ – which is based on research into psycho-social maturity.
 - In 2012, maturity was added to the guidance for assessing culpability in the Code of Conduct for Crown Prosecutors. This ensures that prosecutors are directed to consider the suspect's 'age or maturity' as a factor in weighing up whether a prosecution is required.
 - 'Age and/or lack of maturity' is listed as a mitigating factor in sentencing guidelines issued by the independent Sentencing Council.
 - Maturity is a consideration when completing a pre-sentence report on 18–25 year olds which may influence the sentencing proposal. Maturity and other factors may mean that custody is not considered suitable dependent upon the offence and the individual circumstances of the young adult.
 - We are, through the National Probation Service (NPS), working on reviewing what may work best with 18 to 25 year old young adults with regard to their management in both community and custody settings.
14. As set out in the Prison Safety and Reform White Paper, we are exploring the option for a new 'what works' resource to further support the full and effective use of evidence in decision making.

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/462169/Better_Outcomes_for_Young_Adult_Men__P1_1_.pdf

15. These developments owe much to initiatives that have been generated within different services, and also in some measure to external promptings from organisations such as T2A. They are not an end point, either in the debate or in how future initiatives will be informed.
16. Because the relevance of maturity is already becoming increasingly central to policy and practice, we do not accept the argument that developmental status needs to be recognised in legislation.

Defining the age group and increasing the upper age limit to 25 (including the DYOI age range)

17. The Government believes that if we wish to properly consider maturity we should focus on the concept rather than altering the chronological age range. Having considered the arguments made by the Committee, we do not accept the view that there would be significant advantages to increasing the statutory upper age limit (currently reflected in detention in young offender institution [DYOI] sentencing legislation) from 21 to 25, so that people would continue to be sentenced to DYOI and classified as young adults until they reach their 25th birthday.
18. Under the current definition there are approximately 4,500 18–21 year olds in custody, and 11,000 aged 21–25. The size of the 'young adult' cohort in custody would therefore be approximately 15,500 offenders were the age limits redefined. Changing a smaller and readily identified cohort to a larger one, where their needs may not be so acute, would only serve to dilute the existing distinction in their treatment. Although many people will not fully mature by 25, others will; including the vast majority of women about whom there is a consensus that their maturity occurs at a different rate and earlier.⁶
19. While the Committee has not recommended a wholesale return to a dedicated YOI estate, if prisons were expected to observe an extended DYOI age range with changes to the estate, the gains made recently by being able to flexibly manage populations would be reversed, and many of the advantages that have accrued to young adults themselves could be lost, such as being located closer to home or having access to a wider range education or employment programmes.
20. In other regards, however, such as for the commissioning principles and guidance that apply to community and custodial offender management, we recognise that those over 21 will present problems related to immaturity that continue to be common and enduring.
21. We recognise that currently the DYOI age range is one of the few formal distinctions that exists for this age group, and because it exists in law, it carries reassurances that this group retain a distinct status.

⁶ Michael D. De Bellis, M. D., Keshavan, M. S., Beers, S. R., Hall, J., Frustraci, K., Masalehdan, A., Noll, J. & Boring, A. M. (2011). Sex differences in brain maturation during childhood and adolescence. *Cerebral Cortex*, 11 (6), pp. 552–557. doi: 10.1093/cercor/11.6.552

22. In 2013 the Government consulted on the question of whether to commence the repeal of the DYOI sentence. Decisions about the abolition of the DYOI sentence were postponed to enable the Government to take account of the review commissioned by Lord Harris into self-inflicted deaths in custody of 18–24 year olds. The submissions received did not provide a clear recommendation as to the future of the DYOI sentence.
23. Through the expansion of dual designated sites across the male adult custodial estate, the anomaly that young adults were kept on remand in adult prisons has, by default, largely disappeared. Young adults are now held on remand at dual designated sites. We understand that remanded young adults are particularly vulnerable given the potentially unstable circumstances which have led them to be remanded.
24. We will be gathering information from a number of sources regarding the effectiveness of the DYOI sentence, and holding younger and older adults in mixed institutions, including: feedback from governors of Reform Prisons (of which four out of six are dual designated); statistics published on young adults throughout the estate; internal working groups specifically on young adults, to ensure linked up work and consistent treatment; and use of the maturity screening tool to establish a clearer picture of need across the YOI and dual designated estate. These factors, amongst others, will then be used as the basis on which commissioners, especially empowered Governors, should determine how the day-to-day management of this group should differ, including better gauging need according to a wider age range. This will inform our thinking on the future of the DYOI sentence.

Building and using evidence

25. We are committed to building our understanding of what works in addressing offending behaviour and improving outcomes for young adults and have commissioned and undertaken a range of research to support both governors and service providers working with offenders in the community. These include evidence syntheses and summaries, new data tools, advice on delivering better results and on effective practice in reducing re-offending and providing safe environments. Existing evidence on young adults and the adolescent brain is included within this. There are also external libraries of evidence-based resources on studies and best practice, including those run by umbrella groups for voluntary sector interests. The Justice Data Lab, is also building considerable insights into projects that are effective at reducing re-offending and reconviction.
26. A summary of some of the more relevant research is set out below:
- 'The Needs and Characteristics of Young Adults in Custody',⁷ published in 2015, sets out findings from the 2005–06 Surveying Prisoner Crime Reduction (SPCR) survey. It found that respondents aged from 18 up to 21 shared a number of needs and characteristics with respondents aged 21 and over, with all ages reporting high levels of need in terms of employment, education and substance misuse. It found 18 to 21 year olds were, however, more likely to report issues with schooling; to link their offending to alcohol use; and state that having a job on release would stop them from re-offending. Such evidence has helped to inform

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/449586/Young-adults-in-custody.pdf

our policy and operations, for example an upcoming employment strategy will be of particular importance to young adults.

- A 'Summary of Evidence'⁸ on the offence profile, risk of re-offending and assessed needs of 18 to 21 year olds in custody and under supervision in the community was produced in 2013. This showed that young adults are at a higher risk of re-offending and commit different sorts of offences than older adults. 'Lifestyle and Associates' was the most prevalent assessed need for young adult men. However, the needs of this cohort are not completely different to those of the wider adult male estate.
- 'Characteristics and Needs of Young Adults in Prison Custody'⁹ was published in October 2016 and provides updated statistics on young adults' risk of re-offending and assessed needs. We are intending to publish a report on the characteristics and needs of young adults under supervision in the community early this year.
- We produced the statistical report 'Self-Inflicted Deaths in Prison Custody in England and Wales between 1978 and March 2014'¹⁰ to support the Harris Review. This longer-term analysis of self-inflicted deaths in prison between 2002 and 2013, showed that for male prisoners, with the exception of those aged 60 and over, the average rate of self-inflicted deaths generally increased with age, with male prisoners aged 50–59 significantly more likely to take their own lives than those aged 18–24. The reverse was found for female prisoners, such that, between 2002 and 2013 female prisoners aged 18–24 appeared more likely to take their own lives compared with older female prisoners, but this finding for female offenders is tentative due to the low numbers involved.

27. Our routine statistical publications (for example, Proven Re-offending statistics,¹¹ Safety in Custody statistics¹² and NOMS' Offender Equalities report¹³) also provide evidence on the particular needs and outcomes for young adults in the Criminal Justice System.

28. We used the best available evidence to develop and publish guidance in August 2015 for all commissioners, 'Better Outcomes for Young Adult Men' to inform the commissioning of custodial and community services. This sets out the six priority issues for interventions with young adults and how staff can help address these. Whilst the commissioning principles define young adults as 18 to 21 year olds, the principles recognise that these would likely apply to many adults past their 21st birthday, particularly those aged under 25.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/455791/Better_Outcomes_for_Young_Adult_Men_Supporting_Evidence_August_2015.pdf

⁹ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2016>

¹⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/440290/report-on-self-inflicted-deaths.pdf

¹¹ <https://www.gov.uk/government/collections/proven-reoffending-statistics>

¹² <https://www.gov.uk/government/collections/safety-in-custody-statistics>

¹³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571996/annual-report.pdf

29. For the purposes of offender management practice therefore we are committed to recognising maturity, though not strictly linked to chronological age. Some flexibility is necessary to target those requiring support. We wish to reduce the risk of unnecessary spending on those who do not need help, or alternatively letting others slip through the net, given that many of the factors that underlie the offending of young adults are shared by older adults.
30. We are currently collating data for a future evaluation of the 'Identity Matters' programme for young adults; a programme to address gang or group-related violent behaviour.
31. An evaluation of accredited programmes' impact on custodial violence, self-harm and violence in prison is currently underway which will explicitly examine impact by age. This work is due to complete by Spring of 2017.

Assessments and screening for maturity

32. The Government shares the Committee's emphasis on the importance of assessment and screening in order to give proper weight to maturity and other factors common to young adults. NOMS has developed a screening tool for psychosocial maturity, which has been tested for validity and reliability with a large sample of male adult prisoners. The tool was designed to have minimal resource implications, and therefore uses only items already available to staff from the Offender Assessment System (OASys). A report detailing this validation is now being prepared for publication, having been subject to review by internal analysts and external academics. The aim is that it accompanies practitioner guidance that will be available early this year for use by prison and probation providers, alongside a new resource pack for promoting maturity (see below).
33. The introduction of a screening tool for maturity will help prisons (including YOIs) and probation deliver a more responsive approach for young adult men. The tool, which categorises men of age 18–25 into groups distinguished by high or low levels of psychosocial maturity, is intended to profile local young adult populations, highlighting how many people under their care are likely to require services or interventions to promote maturation. This links to the commissioning principles contained in 'Better Outcomes for Young Adults', identifying promising ways of addressing the factors linked to offending by young adults. (We have also published separate evidence-based guidance on the commissioning of services for female offenders.)
34. While the primary purpose of the screening tool is as a volume commissioning tool to help prison and probation providers profile their local populations, there are other ways in which it can be used. For example, to provide information about an individual's markers of immaturity as part of a wider assessment of suitability for interventions or services. This would enable those most in need and most likely to benefit from specific interventions to be prioritised for treatment.
35. Though the maturity screening tool and the resource pack are separate products, the screening tool could be used alongside other information to identify individuals who could benefit from the resource pack. Providers will be able to use either the maturity screening tool or alternative locally developed screening tools, to identify suitable individuals for the resource pack.

36. There is an increasing, though still relatively nascent, realisation of the importance of brain injuries in offending behaviour. A specific screening tool for brain injury is currently being validated for referrals across the secure estate. Pilots at HMP YOIs Wetherby and Hindley are being evaluated, forming part of a wider project looking at how prisons can support offenders with brain injuries.
37. Depending on the outcome of the evaluation of the pilots, we would look into the feasibility of Linkworker services being available more widely in the prison estate, including secure facilities holding young adults. Under the pilots, a brain injury 'Linkworker' was provided and care pathways developed, including anxiety and memory problem interventions, psycho-education and behaviour management plans. The workforce development training which accompanied the pilots is also being evaluated.
38. We are currently improving awareness among prison staff of the importance of brain injury in offending behaviour, and its signs and symptoms. A 'national learning event' which featured a number of experts in this area, including Professor Huw Williams, was held in November 2016. A further event is planned this year to continue to raise awareness, with practical advice regarding applying the theory to practice.

Accounting for maturity in interventions

39. The last two decades has seen the development of a comprehensive range of programmes that are designed to more precisely target those factors that are known to be related to re-offending, linked to and informed by a more systematic approach to offender assessment. The programmes are designed to be delivered in a responsive way to make sure that they tackle the factors linked to offending by young adults. Assurance that the programmes are designed in line with the evidence is provided by the accreditation process which is overseen by the Correctional Services Accreditation and Advisory Panel (CSAAP), an independent panel of experts. Accredited programmes are widely available and delivered across custody and in the community by a range of providers, with mechanisms to safeguard their integrity.
40. This year, we reviewed the accredited programmes suite to determine how well they specifically target the barriers to reform in young adults. Generally, the programmes recognise and address the needs of 18 to 25 year olds appropriately. However, in order to improve provision, a resource pack for promoting maturity has been developed using the best available evidence of what works. This is based on the evidence for 18 to 25 year olds and is targeted at individuals who:
 - have an identified maturity need but are unable to access accredited programmes;
 - are suitable for accredited programmes, but not yet ready to engage due to low maturity;
 - have previously completed an accredited programme, but who still need to develop maturity.
41. Development of a maturity screening tool and resource pack to promote maturity will help providers of Prison and Probation services better respond to young adults' requirements, target and sequence services and interventions to improve outcomes and value for money, and improve their engagement with rehabilitative activity. We aim to make this and accompanying practitioner guidance available this year.

Training and staff

42. As we have outlined in the White Paper, we will be ensuring each prisoner has a dedicated officer to support, mentor and challenge them, with each officer having a caseload of around six prisoners, similar to the level of support envisaged by Lord Harris in the review of deaths in custody of young adults.
43. Our intention is that all prison officers working in prisons will carry out this dedicated officer role and will help each of their prisoners by supporting and challenging them to engage in purposeful and productive activity during their time in prison. We expect these dedicated officers to act as mentors for their prisoners – listening out for problems, supporting changes in attitudes and behaviour, and defusing tension and frustration. More details of how this role will work, and how staff will be prepared for it, are being developed. We feel that this is a significant step forward for young adults.

Employment

44. Ensuring that prisoners gain the skills and qualifications they need to gain employment upon release is a key part of our reform plans. We will launch a new offender employment strategy in this year, from which we believe young adults will, addressing barriers that the Committee noted.
45. Governors will have more freedom to innovate, use evidence-based solutions, effective for the distinct needs of their prison population. This will be applied alongside sharper incentives and more focused performance management to drive better results. Prisons will be measured against outcomes that matter, including employment for prisoners and re-offending levels when compared against a predicted rate, irrespective of whether or not the offender went into permanent accommodation and their progress on basic literacy and key skills.
46. We intend to introduce a Prisoner Apprenticeship Pathway to offer prisoners, including those in the young adult cohort, opportunities that will count towards the completion of a formal apprenticeship on release. Prisoners will have access to the same high quality training and education that an apprentice could expect in the community, and will not need to repeat training that they have successfully completed in custody on release, if they can demonstrate competence in the activity they are being trained in during the apprenticeship. We want employers to be involved with the prisoners on this Pathway, to work with them and to develop training programmes, and to commit to taking on successful prisoners as apprentices for a minimum of 12 months on release. Governors are ideally placed to work with local employers, to engage them in taking on prisoners post release as apprentices. We expect the first prisoners to begin the Pathway this year.
47. Release on Temporary Licence (ROTL) will remain vital in preparing young adults for release, for example by providing work experience or vocational training.

Education

48. The Committee observed that young adults tend to spend more time in their cell and as a consequence had poorer results in terms of purposeful activity, including education. Last year, Dame Sally Coates led a review of prison education. This examined the scope and quality of current provision in adult prisons and in young offender institutions for 18–21 year olds; reviewed domestic and international evidence of what works well in prison education to support the reform of different segments of prison learners; and developed options for future models of education services in prisons. Her report – ‘Unlocking Potential: A review of education in prison’¹⁴ – was published in May 2016.
49. The main themes of the review were that education should be at the heart of the prison regime; that prison governors should be responsible and accountable for education; and that a new scheme should be implemented to attract high-calibre graduates to work in the prison for an initial period of two years. This work is currently under way. We have launched ‘Unlocked’, a Leadership Development scheme which will ensure some of the best brightest graduates in the country are working within the Prison Service, helping prisoners to make their experience in prison an effective exercise in rehabilitation. The scheme received over had over 1000 expressions of interest before it launched.
50. As the White Paper confirms, giving prison governors more oversight and control, including over prison education, is at the heart of the Government’s prison safety and reform agenda. It will also form a key part of the education strategy that we will publish this year. When the current education contracts end, we will be giving control of education budgets to prison governors, so that they are able to choose both their education and careers advice providers and can hold them to account for the service they provide and the educational outcomes achieved.

Accommodation

51. The Committee noted that the obstacle created by young adults’ limited access to affordable places to live impacted on their likely desistance from offending, and that it requires a cross-departmental approach. We are committed to ensuring that offenders’ housing and support is taken into account in local and wider national strategies and initiatives, especially given the link between homelessness and re-offending. In this Community Rehabilitation Companies (CRCs) are expected to tailor a pre-release activity to each individual.
52. As part of the Prison Safety and Reform agenda, we will examine the numbers of prisoners in suitable accommodation on release, compared to before they entered custody. This information will be used to drive the number of offenders that have suitable accommodation when they are released, and to track their progress. The Government has indicated that it will support the Private Members Homeless Reduction Bill, introduced by Bob Blackman MP, which will improve service provision across the country and result in significantly better outcomes for anyone facing homelessness.

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf

Race

53. The Committee noted that Black, Asian and Minority Ethnic (BAME) young adults may face additional challenges and, alongside care leavers, feature more prominently in statistics gathered on adjudication and IEP status. This is recognised in NOMS' recent equality reports.¹⁵ Though not commissioned by Government, we have actively supported Baroness Young in her review on ways to improve results for young black and Muslim men. We are convinced by her arguments that this subject was not getting the attention it warranted, and we are persuaded that there is both an urgency and also a significant dividend to getting our responses right. NOMS is working closely with Baroness Young's review group, including on how we collect and use data.
54. This work has since been given greater impetus with the review of BAME representation in the criminal justice system announced last January. We have received the emerging findings of this review and look forward to receiving the final report and recommendations. In August we announced an audit to tackle racial disparities in public service outcomes

Care Leavers

55. We have put in place the National Care Leavers Forum within NOMS, which brings together key stakeholders from internal and external bodies, including local authority and charity representatives, in order to co-ordinate efforts to support care leavers in prison and probation. The work of the forum is also supported by a network of Care Leavers Regional Leads whose role it is to progress the care leavers agenda on a local level.
56. Within custody, the focus of our efforts has been around the identification of offenders who are care leavers and promoting understanding of the unique problems they face to staff, for instance being without the support of family. We continue to explore ways of improving partnership working and communication between custodial establishments and local authorities to ensure that care leavers receive the support to which they are entitled.

Transitions

57. As the Committee rightly noted, transition from the youth to the young adult estate can be challenging due to the distinct nature of the two services, and anxiety and vulnerability may occur at this time. In recognition of this pivotal period in a young adult's journey, we have continued to make progressive improvements to the transitions process, specifically developing a transitions protocol in 2012 which is now evolving into a policy framework. This sets out mandatory requirements to which governors must adhere.
58. This approach we believe alleviates some of the issues that have contributed to the process not working well in the past. Namely that young person's reform and safeguarding requirements were not addressed on a case-by-case basis and case management transfer between agencies was not implemented effectively. We

¹⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571996/annual-report.pdf

have also reviewed practice around transitions for young people on remand and progressing through a trial. We have introduced a new process whereby young people will return from court to the youth establishment they came from and transition from there, in accordance with an agreed pre-determined plan.

59. The Government has published its response to Charlie Taylor's review of the youth justice system, and will continue to be mindful of how changes in the running of the youth estate will need to be taken into account in the transition to the adult system of those reaching the age of 18.

Supervising young adults in the community

60. We note the Committee's observation about the benefits of flexibility in managing young adults in the community. We want to ensure that community sentences are of sufficient quality and command sentencer confidence, and we are actively looking at how we can improve this. We believe community sentences continue to offer credible sentences for the courts and should feature strongly in the mix of sentences used by the court, particularly for young adults.
61. For young adults sentenced to custody, all now receive post-release supervision from probation, including those serving sentences of less than 12 months imprisonment. All prisoners receive a through-the-gate resettlement service prior to release, including help to find accommodation and employment, and to gain access to the support they need in the community. As the Committee heard, there are a number of examples of where CRCs are providing distinct responses to young adults and we will continue to make sure they are provided with the learning and tools that are being developed at the centre to encourage these developments. We are currently conducting a comprehensive review of the probation system to make sure that CRCs and the NPS are doing all they can to rehabilitate offenders and protect the public.
62. We agree that Police and Crime Commissioners are well positioned to champion and co-ordinate services for young adults. For example, the Police and Crime Commissioner for Greater Manchester has introduced and co-funds an 'Intensive Community Order' (ICO), a community alternative for 18–25 year olds whose offences could result in prison sentences of up to 12 months; run by Cheshire and Greater Manchester. The ICO is a mix of reparation (community payback), plus practical courses, advice, guidance and support.
63. This sentence is designed to identify young men early in their 'criminal career' and promote desistance by strengthening their ability to acquire 'social capital' at a crucial point in their lives. The ICO engages a range of partner organisations including those in education, training and employment mentoring. The order addresses gang and street group violence, something in which young adults are overrepresented.
64. London CRC is working with the Mayor's Office for Policing and Crime (MOPAC) on a multi-agency pilot project called 'Gripping the Offender'. The pilot aims to reduce re-offending, lower demands on the criminal justice system in London and impact positively on associated costs. The pilot will last for 14 months (between April 2016 and May 2017) and will involve approximately 1,000 offenders, including those from the 18–25 age group.

Wider criminal justice measures

65. In terms of prosecution and sentencing decisions, the Government believes there is a flexible and nuanced approach which takes into account the offender's character and personal circumstances, resulting in a response that is tailored to the individual. At this point, we believe that it would be overly restrictive to introduce prescriptive provisions which would aim to limit the discretion of the court and attempt to quantify maturity levels in every circumstance.
66. We will look at the results of the feasibility study funded by T2A regarding young adults' passage through, and experience of, courts especially as they are likely to include the insights from those with first-hand experience working in busy courts. We will be interested to discuss with the senior judiciary the potential to use the skills of members of the judiciary who hear cases involving young people, especially if the fall in the numbers of cases in youth courts provides an opportunity to rethink where judicial time and expertise may be best applied. Any next steps would require us to engage with a full range of court-users and external stakeholders.

Prosecution

67. The Committee reflected on the inclusion of maturity into prosecution guidelines and their impact on practice. The Crown Prosecution Service (CPS) considers matters referred, by the police or other investigator, on a case-by-case basis. Each case is reviewed in accordance with the two-stage test set out in the Code for Crown Prosecutors when deciding whether or not to bring or continue a prosecution. The concept of maturity was added to the guidance for assessing culpability in the Code for Crown Prosecutors in 2012. Prosecutors are directed to consider the suspect's 'age or maturity' as a factor in deciding upon the suspect's level of culpability and therefore whether a prosecution is required.
68. The CPS recognises that more can be done to assist prosecutors to deal appropriately and effectively with matters involving young adults (18–25 year olds). Mandatory training for specialist youth prosecutors across England and Wales commenced in November 2016. The training takes account of recent developments involving the prosecution and diversion of youths and specifically covers the issues of age and maturity. The CPS will assess the impact of the training and provide additional written guidance to assist prosecutors in their consideration of age and maturity.
69. The CPS monitors prosecutors' compliance with the Code, guidance and relevant policies by way of Individual Quality Assessments, with an assessment of the prosecution decision making process and whether decisions are properly informed and reasoned. In the context of this scheme, the CPS will consider whether specific investigation can be made in relation to prosecutors' consideration of age and maturity when charging and reviewing cases.

Pre-sentence reports

70. Pre-sentence reports (PSRs) are prepared by the Probation Service in order to help the court determine the most suitable sentence for a particular offender. In order to make robust assessments about an individual's maturity, PSRs for offenders aged 18 to 25 must now include a consideration of the offender's maturity which will then be used to inform sentencing decisions. When making an order, for example, judges and magistrates will consider the offender's maturity to ensure that no unduly complicated provisions are given to offenders who might have difficulty understanding and interpreting them.

Sentencing

71. A court will consider 'age and/or lack of maturity' as a mitigating factor when deciding on the sentence imposed. Age and maturity are also factors specifically listed in sentencing guidelines issued by the independent Sentencing Council. In March 2011, the Sentencing Council listed 'age and/or lack of maturity where it affects the responsibility of the offender' as a mitigating factor in sentencing for assault offences. This has subsequently been listed as a mitigating factor for several other offences, including burglary offences, robbery offences, theft offences, drug offences, sexual offences, and dangerous dog offences. These guidelines apply to every case considered by the court, and should be followed in every case not just in cases where a defendant exhibits extreme immaturity. A court must follow the guidelines unless it would be unjust to do so. The Sentencing Council is an independent body but has a statutory duty, under the Coroners and Justice Act 2009, to monitor the operation and effect of its guidelines. In addition to guidelines issued by the Sentencing Council there are statutory provisions and statutory guidance in relation to the setting of tariffs when imposing a life sentence for murder. The statutory provisions (contained in section 269 and Schedule 21 of the Criminal Justice Act 2003) mean that as well as considering maturity in the normal way, in setting a tariff for murder, a court cannot impose a whole life order where the offender is under 21 years of age when the offence was committed.
72. The Sentencing Council is an independent, non-departmental public body. Whilst the Ministry of Justice can draw the recommendations of the Justice Committee to the Council's attention, the Government cannot require the Council to conduct further research on the impact of this factor in sentencing decisions for 18 to 25 year olds.

Rehabilitation of Offenders Act (ROA) and criminal convictions

73. We welcome the Committee's interest in this area. The Ministry of Justice and the Home Office have provided written evidence on this topic to the Committee's ongoing inquiry into the disclosure of youth criminal records.¹⁶ We will continue to liaise with the Committee as that inquiry progresses.

¹⁶ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/disclosure-of-youth-criminal-records/written/43085.html>

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