



Ministry
of Justice

Transforming Management of Young Adults in Custody

November 2013



Transforming Management of Young Adults in Custody

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

November 2013

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About this Consultation

- To:** The consultation seeks views from service providers in the criminal justice system, the judiciary, voluntary and community organisations, families of young adults in custody, and all those with an interest in young adults in custody. As part of the consultation process we will also be engaging with prison Governors, operational staff, and with young adult offenders to take their views and experience into account. We also invite members of the public to respond.
- Questions:** Consultation Questions are asked in Chapter 2 (Proposals for Reform) and Chapter 3 (Developing a Coherent Approach).
- Duration:** From 7 November to 19 December 2013
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- How to respond:** Responses to the consultation questions should be submitted online at <https://consult.justice.gov.uk/digital-communications/young-adults>
A number of consultation events will also take place. Details of these will be available at the web address above.
Responses and outline proposals can also be submitted to the 'Enquiries' contact details above.
- Response paper:** A response to this consultation exercise will be published at: <https://www.gov.uk/government/organisations/ministry-of-justice>

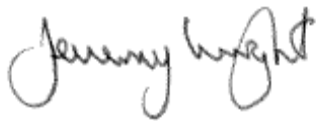
Ministerial Foreword

As part of this Government's ambitious programme of social change, the Ministry of Justice has already taken substantial steps towards reforming the criminal justice system in order to tackle re-offending. We are transforming how we manage offenders, so that they are both punished when they break the law, and are also more supported to get their chaotic lives back on track. We now want to make sure that we apply these same principles to the way we manage young adults in custody.

Young adults (18–20 year olds) who are held in custody are usually accommodated in Young Offender Institutions (YOIs) rather than adult prisons. We feel the context in which this was an effective means of managing this group has changed, and we think the current approach is no longer appropriate or effective.

We are proposing a new approach to managing young adults that takes into account the challenges of this age group as well as ensuring they benefit from wider reforms. Many young adults are still maturing and sometimes lack the skills to negotiate complex social situations. When large numbers of people in this age group are held together, they can become so volatile it becomes difficult for staff to manage them. If this continues, there is a danger that the experience of young adults in custody will become more about containment and less about rehabilitation and supporting them to desist from offending.

In our new framework, we are proposing that all young adults will be accommodated in mixed institutions, where resources are targeted on their risks and rehabilitation and resettlement needs. We want to ensure that their time in custody is both safe and effective. We want to ensure they benefit from resettlement prisons and we feel that, for this group in particular, being supported as they move through the gate and into their local communities will enable young adults to move away from a life of crime.



Jeremy Wright
Minister for Prisons and Rehabilitation

1. The Case for Change

1. Along with the wider reforms that we are undertaking to provide all offenders with better opportunities to engage in meaningful rehabilitation and resettlement, we have been considering how we manage young adults in custody. We share the concern that some stakeholders have expressed about the effectiveness of the current system. We believe our existing structure, based around age-specific institutions, is not able to target resources appropriately. This section of the document describes the current situation for young adults and illustrates why we think change is necessary at this time.

Current Position of Young Adults in Custody

2. There is currently a statutory distinction between young adult offenders (aged 18 to 20 years old) and adult offenders (aged 21 or over). Under the current legal framework, young adults cannot be sentenced to imprisonment or committed to prison for any reason.¹ Instead the vast majority of young adults are held in Young Offender Institutions (YOIs).² Of the young adults held in these institutions, most, but not all, of them are subject to the criminal sentence of Detention in a Young Offender Institution³ (DYOI) or – in the most serious cases – custody for life.⁴
3. The DYOI sentence was originally conceived to offer extra protection and support to young adults because of their developing maturity. The main provisions that are different to sentences given to older adults are that:
 - Young adults are held in a YOI, unless the Secretary of State directs otherwise.
 - Young adults sentenced to a term of detention in a YOI of less than 12 months receive a mandatory period of 3 months supervision in the community to provide additional support when they leave custody. This was to attempt to bridge the gap between custody and local provision of services that might sustain the rehabilitative process.
 - For sentences over 4 weeks a sentence plan is developed that outlines how the offender will spend their time in the YOI. The sentence plan focuses on preparing the offender for release if they have less than 3 months remaining in the YOI.
4. As at 30 June 2013, there were 6,272 young adults (18–20) in the YOI estate, of whom 188 were female. At this time there were 2,831⁵ young adults still being held in single use dedicated YOIs (all male), and 3,270 young adults held in dual-designated institutions, including all young adult women. An additional 27 young adult males were held in adult prisons for security and safety reasons. Furthermore, 101 young adults were held in under 18 YOIs (usually because a decision was made that they should remain there to finish the custodial part of their sentence), and 43 were held in

¹ There are certain exceptions, see s.89(2) of the Powers of the Criminal Courts (Sentencing) Act 2000 (“PCCSA 2000”).

² There are certain exceptions, see s.89(2) of the Powers of the Criminal Courts Sentencing Act 2000.

³ Imposed under s.96 PCCSA 2000.

⁴ Imposed under ss.93 and 94 PCCSA 2000.

⁵ Data taken from NOMS Management Information NOMIS data.

Immigration Removal Centres. A further 492 young people who were 21–24 were held in single-use YOIs at the same period.

5. On 30 June 2013, 18–20 year olds made up only 7.5% of the prison population. This proportion has been decreasing, partly as a result of efforts to divert young people away from the criminal justice system.
6. Young adults that do end up in custody increasingly tend to be there because they have committed more serious crimes.⁶ In 2004, 64.8% of all 18–20 year old prisoners were detained in custody as a result of offences against the person, sexual offences, burglary or robbery, but this has since risen to 71.3% of all 18–20 year olds in 2013.
7. A higher proportion of young adults are on remand than older adults. As at 30 June 2013, over 20% of 18–20 year olds were on remand; the law requires them to be accommodated in a prison rather than a YOI.
8. Young adults have a higher reoffending rate than older adults. Based on proven reoffending data for prisoners released in the 12 months ending September 2011, 18–20 year olds have a reoffending rate of 56.1% compared to a rate of 45.6% for prisoners aged 21 and over.

Drivers for the use of Dual Designated Institutions

9. There has been a growing trend within the prison estate to move away from dedicated single use institutions that accommodate only young adults (18–20 years). Instead, young adults are increasingly being held in institutions that are designated as both a prison and a YOI, so that young adults and older adults are held in the same establishment (although they are accommodated in separate cells). Young adult women are already integrated into the adult estate, where all institutions are dual designated.
10. In July this year, young adults were being held in 54 institutions, of which only 7 were single use institutions that were dedicated to 18–20 year olds. The remaining 47 institutions, including all 12 holding young adult women, are dual designated as both prisons and YOIs. At the end of June 2013, over half of all young adults, including all women, were held in dual designated institutions.
11. There are many practical and economic reasons for the increased use of dual-designated institutions. These include:
 - Falling numbers of young adults in custody mean that using only single use institutions significantly limits the location to which young adults can be sent. A wider choice of institutions enables young adults to be located closer to home;
 - A wider choice enables better access to programmes and interventions;
 - Allocating young adult males to dual-designated institutions reduces the need to transfer them to adult prisons when they reach 21;
 - Governors' experience suggests that dual designated institutions tend to be less volatile and more stable than dedicated young adult institutions.

⁶ For further information about custodial sentences please see Offender Management Statistics, January–March 2013, Ministry of Justice, 2013 <https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

12. The higher proportion of young adult offenders in custody convicted of more serious offences also gives rise to concerns about order and control and safety issues for inmates of dedicated male YOIs and other prisoners in male institutions. Recent HMIP reports⁷ have highlighted concerns around both the rates and severity of violence involving young adult males in custody, particularly when they are concentrated together.
13. The designation and role of prisons tends to change to meet new demands and challenges, and this has continued in recent months. For example, to facilitate the dispersal of young adults on remand in London, following the announced re-role of Feltham in July, an additional five prisons were dual-designated to accommodate young adults.

Context for Change

14. The context within which we are proposing these changes includes both the changing characteristics of young adults in custody and the rehabilitation landscape.
15. As we have noted, young adults who are in custody today are more likely to be on longer sentences for more serious crimes than previously, which means they are more likely to need to stay in custody for longer periods. If they are held in YOIs, this may mean they need to move to an adult prison when they reach 21.
16. The context for change includes our commitment to tackle some of the issues raised by HMIP and others concerning the inherent difficulties that our governors and prison staff have to deal with when they manage large numbers of young adults in one place, including violence and maintaining order.⁸
17. The debate about whether young adults should be accommodated separately or mixed with older adults has been around for many years. In 2006, for example, the Mubarek Review recommended that “*the Prison Service should review whether the advantages of holding young offenders on the same wing as adult prisoners outweigh the disadvantages and whether the practice should be extended to other establishments*” (Keith *et al*, 2006). Furthermore, it was recommended “*if the practice of holding young offenders on the same wing as adult prisoners is to continue, the law should be changed to put its legality beyond doubt*”.
18. Under proposals set out in *Transforming Rehabilitation: A Strategy for Reform*, it is planned that, from 2015, the way offenders are managed before and after they are released from custody will be radically different. The overarching principle of Transforming Rehabilitation is to ensure that those held in custody can benefit from resettlement services and genuine continuity of through the gate provision from custody and into the community. In order to support this principle, we are reconfiguring the prison estate to more effectively re-align resources to meet the resettlement needs of offenders and to target particular groups through national and regional pathways.
19. The Criminal Justice and Court Services Act (2000)⁹ contains provisions (which have not been brought into force) which would repeal the sentences of DYOI and custody for life. The Ministry of Justice has been keeping under review the question of whether to bring these provisions into force. This was last formally reviewed in 2011.

⁷ For example, HMIP Reports on Lancaster Farms (2011), Brinsford (2012) and Feltham B (2013).

⁸ For example, HMIP Brinsford (2012).

⁹ s.61 Criminal Justice and Court Services Act 2000.

2. Proposals for Reform

20. We believe our existing approach to the management of young adults, which is based around age-specific institutions, is neither comprehensive nor consistent. Instead, we think our resources are best focused on accommodating young adults so that, in keeping with our wider reform agenda, their rehabilitation and resettlement needs are met. We want to have the flexibility to allocate them to the most appropriate resettlement prisons to facilitate the most effective and supportive return to their communities.
21. We are concerned that we are not able to best meet the needs of young adults in the current system because there is a presumption that young adults should be kept together, regardless of the seriousness of their crime or other rehabilitation needs. Young adults on long sentences, who have committed serious crimes and have longer term rehabilitation needs, are accommodated together with young adults on relatively short sentences, whose needs are more about resettlement and whose risks to the public are lower.
22. We also recognise that young adults are more prone to violent behaviour than other groups, both outside prison and also whilst in custody. They therefore present particular challenges, despite only making up around 7.5% of the prison population. In 2012 they accounted for 25.3% of all assailants in custody. We want to look at more effective ways of managing their safety rather than concentrating them in specific institutions, which might exacerbate the problem.
23. We want 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. We believe that we should 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.
24. We anticipate that this would mean that we commence the provisions which would repeal the sentences of DYOI and custody for life, and allow for young adults to be sentenced to imprisonment and committed to prison. Yet this does not mean we want to strip protections away from young adults. On the contrary, we propose to target our resources away from dedicated institutions and into safer and more effective services that would better protect all young adults wherever they are accommodated, according to their risks and needs.
25. Sometimes younger adults have different needs and capabilities to older adults, and we want to ensure that staff members in all adult institutions understand and respond effectively when this is the case. In particular, we want to take into account the particular needs of young adults who are transferring from the under-18 secure estate.

26. Any new policy would apply to all young adults. However, we know that female offenders may have some different needs and risks. Females account for 3.0% of 18–20 year olds in custody and 5.0% of the overall adult prison population. The female estate is also structured differently, partly because the substantially lower population means that fewer institutions are required. All young adult women are already co-located with older women. There may also be differences in the nature and drivers of violence amongst young adult females compared with young adult males. Consequently, some of the discussion of this paper centres on young men rather than women.
27. Plans under Transforming Rehabilitation to extend statutory community supervision to all offenders sentenced to less than 12 months in custody mean that we expect there to be changes to existing provision for young adults. They are expected to receive more supervision than under provisions of Detention in a Young Offender Institution (DYOI). These better provisions also mean that now is a good time to review how we manage young adults.
28. We are proposing that we can better meet the needs of young adults by targeting resources on risk and need. This means that all young adults would be accommodated in adult institutions where age groups are mixed.

Question 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?

3. Developing a Coherent Approach

29. We want to ensure young adults are safe in custody and we want to more effectively meet their needs and support their rehabilitation. These objectives, however, have the potential to pull in different directions. Some of the tensions that we need to try and reconcile are outlined below. We need to find a way to resolve these tensions within the limitations of available resources. We also need to ensure that there is a balance between most effectively meeting the needs of young adults, and the potential negative impact on outcomes for older offenders and other vulnerable groups.

Responding to Young Adults' Risks and Needs

30. In designing a policy for the management of young adults in custody we want to take account of the available evidence regarding their needs and characteristics.
31. The term 'young adult' tends to be loosely defined in wider society (it can, for example, either be given the parameters of 18–21 or 18–24), and this extends to social research. This is part of the reason why there is not much systematic knowledge of what works to reduce re-offending with this group. Evidence is usually embedded in studies where 'young adults' are not consistently distinguished from other age groups.
32. Young adults are not a homogeneous group. The needs of particular young adults might sometimes be similar and sometimes be different to juveniles and older adults, and gaps in maturity can be particularly wide within this cohort. Gender-based factors associated with their offending may also differ.
33. The MoJ Surveying Prisoners Crime Reduction (SPCR) survey indicates that for the most part, younger and older adults share similar patterns of needs (Stewart, 2008). This is an important point when considering access to relevant services. The nine desistance factors described in *Transforming Rehabilitation: a summary of evidence on reducing re-offending*, such as employment, family and relationships, and sobriety (MoJ, 2013) are important for both younger and older adult offenders.
34. There are, however, some specific areas where young adults have different needs. For example there are some areas where young adults generally seem to have fewer needs, particularly in relation to health care and accommodation on release. However, younger adults often have a greater need for help with literacy and obtaining qualifications.
35. Young adults also appear to have different patterns of drug use to older adults. The MoJ SPCR study indicated that although the majority of young adult offenders have used drugs, they use different drugs to older adults and their drug use seems less serious, for example fewer of them inject drugs, fewer of them had used drugs in the four weeks before custody (Stewart 2008). Cannabis tends to be the preferred drug of young adults. Consideration may also need to be given to potentially different patterns of use among young adult women.

36. The SPCR findings also suggest there are some different patterns of alcohol use between younger and older adults. Young adults are more likely to demonstrate binge drinking than alcohol dependency. Although more young adults reported heavy drinking than older adults, they tended to drink weekly rather than daily (Stewart, 2008).
37. The evidence suggests that the relative importance of different risk and protective factors changes with age. With offenders under 18 years of age, a supportive family is a key protective factor, and interventions that strengthen family ties have been found to reduce re-offending. However, by the age of 18 the influence of peers is stronger and some young adult offenders have often become enmeshed in criminal circles and lifestyles which can harden criminal attitudes. Criminal attitudes, poor problem solving and aggression are highly related in young male offenders, and so interventions which target this cluster of risk factors are seen as crucial (e.g. Van der Put et al, 2012).
38. In considering the needs of young adults we also want to be mindful of the developing maturity of this age and what this means in terms of responsivity. There is evidence that suggests many young adults do not fully mature until later in their twenties. Advances in techniques such as neuroimaging and magnetic resonance imaging (MRI) have helped demonstrate that the brain continues to mature and change at least into the mid-twenties (e.g. Asato et al, 2010; Luna et al, 2004), with males maturing more slowly than females. Maturation of brain structures and connections that are particularly associated with increased cognitive control over behaviour appears not to occur until later adolescence and early adulthood. An understanding of the nature of immaturity, and its relationship with impulsive and criminal behaviour is important for those working with these young adults.
39. In summary, it is not always easy to distinguish the needs of younger adults from older adults, particularly among the diverse offending population. In many ways their needs are similar to older adults and they respond to similar treatments. However, we do know that there are some areas in particular where there might be differences, and we want to understand better how we might best meet these needs.

Question 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?

Categorisation & Allocation

40. Young adults aged 18 to 20 are currently categorised and held in one of four security categories (Category A (men only), Restricted Status, Closed conditions or Open conditions¹⁰), based on an assessment of their risk of escape or absconding, the risk of harm to the public in the event of escape or absconding, and any control issues which might impact on the security and good order of the prison and safety of those within it. Court and probation reports, current offence(s), sentence length and offending history all inform the categorisation decision. The vast majority of young adults are currently allocated to Closed conditions or Open conditions.

¹⁰ See Prison Service Instruction 41/2011.

41. Currently 18–20 year olds who have committed serious crimes are accommodated alongside young adults who are in custody for less serious crimes. On turning 21, these young adults are usually transferred to an adult prison.
42. We think it would be more effective if, when the decision is made about where a young adult should be allocated, the decision is based on their sentence length, on their risk assessment, and their resettlement needs. This is for three main reasons: to reduce the need to move establishments and potentially disrupt rehabilitation, to improve resettlement and support closeness to home, and to promote positive and safe peer relationships.
43. Our new approach would mean that offenders do not need to move when they turn 21, which reduces the need to move establishments. Instead we could allocate offenders to institutions that offer interventions appropriate for the length of their sentence. Young adults on long sentences will be better able to engage in longer term rehabilitation, training and development from the start of their sentence.
44. Under our proposals to transform rehabilitation, male offenders will be categorised and then allocated to an appropriate prison of that category based on a combination of their rehabilitation needs, their home area and their sentence length (all women's prisons will become resettlement prisons). The majority of those serving sentences of less than 12 months will be allocated directly to a local resettlement prison for the duration of their sentence. The majority of those serving sentences of between 12 months and four years will be transferred to a category C resettlement training prison where appropriate. The prison they are allocated to will be a resettlement prison designated to their home area. This will facilitate more effective through the gate provision and enable their smooth transition into their period of community supervision. Those prisoners serving sentences of over four years will be moved to a suitable Training Prison where their offending behaviour can best be addressed, before spending at least three months in a resettlement prison prior to release.
45. We believe that this approach should apply to young adults, as for all other adults. We are concerned that limiting the flexibility to access to resettlement services would impede improvements we might otherwise make to the resettlement of young adults. A key principle of the Transforming Rehabilitation Programme is that offenders who are being prepared for release are accommodated close to home, and that resettlement support will come from providers that are familiar with the services for the area to which they will be released. This is something that can be particularly relevant for young adults, many of whom still benefit from strong ties to their parents and families, and some of whom have young families of their own. It is easier to achieve this if there is sufficient flexibility to ensure young adults are located closer to home.

Balancing the Benefits and Risks of Mixing

46. We believe that we would more successfully promote positive and safe peer relationships by accommodating young adults who have committed serious offences, and who are regarded as a risk to others, in institutions with older adults of a similar profile, where there is more appropriate security to protect the public. Young adults who are low risk should be accommodated together with other low risk offenders.

47. There are mixed views, and experiences of the extent to which older offenders may act as a positive or negative influence for younger offenders. We know that a great deal of concern has been expressed about mixing younger adults with older adults leading to 'Universities of Crime'. Although there is no robust evidence to support this, concern continues to be expressed about potential problems that might be associated with mixing. For example, a recent IMB report at HMP/YOI Portland (2013) expressed concern about an increase in drugs coming into the prison once older adults were introduced.
48. On the other hand, other reports have suggested that separating young adults into concentrated institutions of 18 to 20 year olds causes its own problems (e.g. HMIP Report Feltham, 2013). We feel it is particularly unhelpful when low risk young adults who are on short sentences (or indeed who are being securely remanded in custody) are mixed with potentially violent young adults who have committed serious offences.
49. Governors and prison staff tell us that when younger adults are mixed with older adults there is a reduction in levels of violence among this cohort, and that the institution becomes calmer. This is important because the evidence suggests that when prisoners feel safer they are more likely to engage in rehabilitative activity and actively seek to make positive changes to their lives.

Question 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?

Violence (including gang violence)

50. In developing a coherent approach to the management of young adults in custody we want to ensure that we maximise the opportunity to reduce levels of violence generally amongst this group (particularly young males), and ensure this approach aligns with broader cross-Government programmes, including on Ending Gang and Youth Violence. Although making up a small proportion of the prison population (7.5% on 30 June 2013), they can be difficult to manage. In 2012, young adults aged 18–20 accounted for 25.3% of assailants (those who instigate an assault incident), 30.4% of fighters (those who instigate or join in an incident) and 21.6% of victims of assault incidents in prison.¹¹
51. We know young adults are more susceptible to peer group influences, and that rivalries and allegiances in the community can translate into rivalries within a custodial setting. Increasing the number of prisons that accommodate young adults would offer us greater flexibility in where we can locate them. This would enable us to place young adults close to home when it will benefit their resettlement, or in another location when this might enable them to move on from ties with anti-social groups and focus more

¹¹ The role of individual prisoners in assault incidents cannot always be distinguished. In some incidents, it is clear which prisoners are assailants and which are victims while in other incidents the roles are blurred. In the latter cases, those involved may be identified as 'fighters'. The roles are determined by local investigation of the incident. For further information about Safety in Custody Statistics please see Safety in custody quarterly update to 31st March 2013, Ministry of Justice, 2013 <https://www.gov.uk/government/publications/safety-in-custody-statistics>

effectively on their desistance. Enhancing flexibility in location would also support delivery of safe regimes, where groups can be more easily dispersed.

52. We are committed to exploring options to continue to improve how violence, including gang related violence, is tackled in prisons to keep both staff and prisoners safe. The National Offender Management Service (NOMS) is currently reviewing the management of violence to identify particular drivers and best practice across the estate. New policy and guidance will be implemented in 2014/15 with the aim of reducing the number of assaults so that prisons are safer places for everyone. Because we believe that young adults are more violent than other adult groups – and indeed they are more likely to be in custody for a serious offence than older adults – we are particularly keen to make sure that they benefit from our plans.
53. For prisons, gangs can present considerable management problems. In particular there are significant challenges to understand the extent of an individual's involvement or affiliation with a particular peer group or gang, and the extent to which community dynamics and allegiances may change in custody as peer group dynamics shift. Extending NOMS flexibility to mix young adults with older prisoners and increasing the number of institutions to which young adults can be accommodated could help dilute the concentration of gang affiliations in one place and improve an establishment's ability to manage violence.

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

Safer Environments

54. We have also been considering how the safety and well-being of young adults might be affected when they are mixed with older adults. There are a high number of individuals who are at risk of harm across the prison population who, regardless of age, have had negative life events, who have suffered from disadvantage, drug or alcohol abuse, and/or who have mental health problems. We know that rates of self harm are higher for young adults¹² and in 2012 16.3% of individuals who self harmed in custody were aged 18–20. We know that of those young adult women who engage in self-harm behaviour, they are far more likely to repeat the behaviour.
55. The range of issues and problems among prisoners, however, is extensive and not limited to any particular segment of the population. All prisons are required to have in place procedures to identify, manage and support people who are at risk of harming themselves, or harming others. We are committed to improving guidance, training and procedures for all staff dealing with vulnerable individuals. We believe that resources that target those at risk in custody should focus on meeting individual needs, rather than on specific age ranges.
56. One of the key areas of concerns for stakeholders is around patterns of drug use when young adults and older adults mix. We acknowledge that these are valid concerns. Young adults tend to be less likely to regularly use hard drugs such as

¹² For further information please see Safety in custody quarterly update to 31st March 2013, Ministry of Justice, 2013 <https://www.gov.uk/government/publications/safety-in-custody-statistics>

cocaine and heroin, and we would like to examine what we might do to ensure they are less likely to develop these habits.

57. NOMS already does a great deal of work to deal with drug use problems in custody. For example, since April 2011 eleven pilot sites have worked with central government departments to design and implement drug recovery wing (DRW) models which are abstinence based and focused on recovery outcomes. A key element of DRWs is to actively encourage more prisoners who have recovered from drug and alcohol problems to become mentors or 'Recovery Champions' to offer support and motivation to those new to the DRW concept and to those who are actively working towards recovery.
58. Whilst in the past it was thought by some to be inappropriate to mix younger prisoners with older prisoners with more entrenched patterns of behaviour and dependency, there is some anecdotal evidence from the DRWs that suggests that young adults found it helpful when older adults housed with them on the wing were able to share their experiences of overcoming dependency. They suggested it helped motivate them to engage with substance misuse treatment and recovery focused services.
59. We want to take learning from examples such as these to further develop what we do to support young adults in desisting from developing drug and alcohol dependencies but we are also interested in learning from the knowledge of stakeholders who are experienced in this area.

Question 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?

Transitions

60. The Criminal Justice Joint Inspectorate published a Thematic Report on Transitions in October 2012. The report pointed out that, despite evidence of good practice, there were too many inconsistencies, and that overall transitions work needed a greater sense of purpose. Young adults who transferred in custody were often not fully prepared for life in an adult establishment.
61. The Ministry of Justice recognises that transitions between youth and adult services are potentially a point of vulnerability for many young adults. For those who come into contact with the criminal justice system when they are under 18, we have made sure that we provide them with the level of support they need to deal with the range of issues in their lives that might be related to their offending behaviour. While this level of support is appropriate when they are under 18, young adults need to adapt to the greater levels of autonomy expected once they reach legal adulthood. Both before and after the transition to adult services, we want to support young adults to develop the skills they need to function as independent adults.
62. We have already improved and developed processes for dealing with 18 year olds who do transfer between services. In September 2012, the Youth Justice Board (YJB) published the Transitions Framework that sets out clear guidance for those working with young people transferring from Youth Offending Teams (YOTs) to probation

services. At the same time, NOMS published the Transitions Protocol to provide similar guidance for those working in custody. Last year the YJB set up the Transitions Forum, which is co-chaired by YJB, NOMS and Criminal Justice Group. This has worked to develop links and processes, not just between YJB and NOMS, but with other relevant government departments.

63. Building on this, we are proposing that a new policy clearly sets out expectations for institutions that are receiving young adults from the youth estate, so that they are better prepared to deal with the changes in regime and support. NOMS has already been working with staff who manage young adults to help them behave like role models, and some staff have noticed similar mentoring-type relationships develop between young and older adults when these groups mix. As we take forward our plans to transform youth custody and place education at the heart of detention, we will ensure that custodial establishments for under-18s play their part in preparing young people for transition into the adult estate.
64. Furthermore, we want our new policy to ensure that young adults do not face another transition point again at 21, because they are already part of a wider adult estate.

Question 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?

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

Securely Remanded Young Adults

65. Under the Criminal Justice Act 1948,¹³ young adults who are 18 to 20 who have been securely remanded should be accommodated in prison. Once they are sentenced, they must be moved to a YOI. We would like to manage all young adults in a consistent and coherent way, regardless of whether they are on remand or have been sentenced.
66. Our experience tells us that prisoners are more at risk in the earlier part of their time in prison, which by definition would include their time on secure remand (if applicable). Securely remanded young adults often feel disengaged from the life of the institution and see little incentive to become involved in activities during the day.
67. We think young adults would be more likely to engage with their regime if they are held in the same institution in which they are likely to serve their sentence. Under Transforming Rehabilitation proposals, it is planned that this will happen for those offenders who are on short term sentences, and if this is the case then we would like young adults to be able to benefit from these changes too.

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

¹³ s.27. See also s.43 Prison Act 1952.

BAME, Equality, Diversity and Vulnerable Groups

68. Young adults in custody in England and Wales are a more diverse group than other groups of adults in custody. 33.3% of young adults (18–20) in custody are from Black, Asian and Minority Ethnic (BAME) groups or mixed ethnicity, compared to 25.6% of adults in custody aged 18 and over.
69. There is also diversity in terms of particular vulnerabilities and needs among this cohort. For example, there are a lot of Care Leavers among young adults in custody. The SPCR shows that 23.6% of men and 31.3% of women in custody reported that they had been in care at some point during their childhood. Those who had been in care tended to be younger when they were first arrested and were more likely to be reconvicted in the year after release than those who had never been in care (Williams, Papadopoulou & Booth, 2012).

Question 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.

Female Young Adult Offenders

70. As of 30 June 2013 there were 188 female offenders aged 18–20 in the women's estate. All 12 women's prisons are dual designated as both prisons and YOIs. While we are keen to extend the range of institutions to which young adults can be sent, this only applies to young adult males, because it is not currently possible to do so within the existing women's estate. This is because of the significantly lower number of female offenders.
71. It was announced on 25 October 2013 that all women's prisons will become resettlement prisons, and that each prison would provide improved employment opportunities for appropriately low risk female offenders, and access to interventions, whilst maintaining closeness to home. This is expected to benefit female young adults as well as older adults.
72. Young adult women are managed within the estate on the basis of individual assessments of risk of harm, the likelihood of reoffending and their offending associated needs. Decisions are made locally on how resources are deployed to achieve outcomes in terms of reducing re-offending.
73. As part of its evidence-based commissioning approach, NOMS aims to target interventions around the specific needs of particular groups, including women.

Question 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?

Regulation and Scrutiny

74. In introducing a new policy on how we manage young adults in custody, we want to ensure accountability for delivering the policy. We also want to make sure that there is confidence in our capacity to ensure that young adults retain the protection that stakeholders feel is provided by a separate 18–20 estate and the sentences of DYOI and custody for life. We are clear that we are not seeking to take services or protection away from young adults, but rather to deliver them in more effective way that makes the best use of available resources.
75. NOMS currently set out specific policies for those in custody who are under 18 by way of a Prison Service Instruction, entitled ‘The Care and Management of Young People’. This ensures that staff members are clear about policies and practices about how young people should be managed in custody. However, we are keen to hear your views on how we might ensure that stakeholders are confident that we are accountable for what we provide for young adults and whether a similar approach would be appropriate here.
76. We would also be keen to make sure that what we implement is effective, and that we continue to more effectively meet the needs of young adults.
77. We are particularly keen to take on board the views of the Inspectorate and the Independent Monitoring Boards about how they would like to see a new policy regulated, and what measures they would take to scrutinise its delivery, particularly in terms of ensuring safe and productive custodial experiences for all adults in mixed institutions.

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

Conclusions

78. Despite the complexities of this stage of development, young adults in custody, like other adults, have needs that are based on their individual differences, on their different experiences and on the seriousness of the crimes they have committed. We do not think that these needs are best met by allocating young adults to an institution because they are 18–20 years of age. We think that we can better meet the developmental needs of young adults if we allocate them to institutions that provide the custodial environment that is best equipped to deal with their risk and resettlement needs.
79. Young adults are a particularly volatile group and it has become increasingly clear over recent years that concentrating large numbers of young adults together may increase this volatility. We feel that moving our focus from managing a regime based only on their age to ensuring young adults are where they need to be in order to engage most successfully with rehabilitation and resettlement services, will help them better desist from offending and lead productive lives.
80. As well as the benefits that a new approach will bring to young adults, making these changes now enables us to make sure that young adults benefit from the wider reform agenda at this time. This is an excellent opportunity to provide a consistent framework within which young adults can be managed, while simultaneously providing the best platform from which they can benefit from resettlement prisons and other proposed changes to improve through the gate provision for all adults.

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Annex 1: Summary of Key Data on Young Adults in Custody

This annex provides an overview of population characteristics for 18–20 year-olds in custody, including age, gender, and ethnicity, and population trends between 2004 and 2013.

Also provided are data on types of custody for 18–20 year-olds, the proportion of 18–20 year-old prisoners accommodated in single-use and dual-designated accommodation, and re-offending rates by age.

1. Population Characteristics

On the 30th June 2013, 18–20 year-olds represented 7.5% of the prison population.

Table 1

| | Males | Percent of male prisoners | Females | Percent of female prisoners | Total Population | Percent of Total Population |
|--------------------------|---------------|---------------------------|--------------|-----------------------------|------------------|-----------------------------|
| 15–17 | 858 | 1.1% | 8 | 0.2% | 866 | 1.0% |
| 18–20 | 6,084 | 7.6% | 188 | 4.9% | 6,272 | 7.5% |
| 21+ | 73,047 | 91.3% | 3,657 | 94.9% | 76,704 | 91.5% |
| England and Wales | 79,989 | 100% | 3,853 | 100% | 83,842 | 100% |

Source: Offender Management Statistics, January–March 2013, Ministry of Justice, 2013
<https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

1. These data refer to 15–17 year olds held in under-18 Young Offender Institutions (YOIs) and does not include those held elsewhere in the youth secure estate.
2. Due to rounding percentages to one decimal place the totals may not equal 100.

Gender

The majority of 18–20 year old prisoners were male. Only three percent of 18–20 year olds offenders were female, in comparison to five percent of the total prison population.

Table 2

Gender of 18–20 year old prisoners, as at 30th June 2013, England and Wales

| Gender | 18–20 year old prisoners | All prisoners |
|--------|--------------------------|---------------|
| Male | 97.0% | 95.0% |
| Female | 3.0% | 5.0% |

Source: Offender Management Statistics, January – March 2013, Ministry of Justice, 2013.
<https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

Ethnicity

64.1% of 18–20 year olds prisoners were White in comparison to 72.4% of the total prison population. A higher proportion of 18–20 year old prisoners were of Mixed or Black/Black British ethnicity than the total prison population.

Table 3

Ethnicity of prisoners aged 18–20, as at 30th June 2013, England and Wales

| Self-reported ethnicity | 18–20 year old prisoners | All prisoners (18 and older) |
|--------------------------------|---------------------------------|-------------------------------------|
| White | 64.1% | 72.4% |
| Mixed | 7.1% | 3.8% |
| Asian or Asian British | 7.4% | 7.7% |
| Black or Black British | 17.3% | 12.9% |
| Chinese or other | 1.5% | 1.2% |
| Not stated | 0.4% | 0.2% |
| Unrecorded | 2.2% | 1.7% |

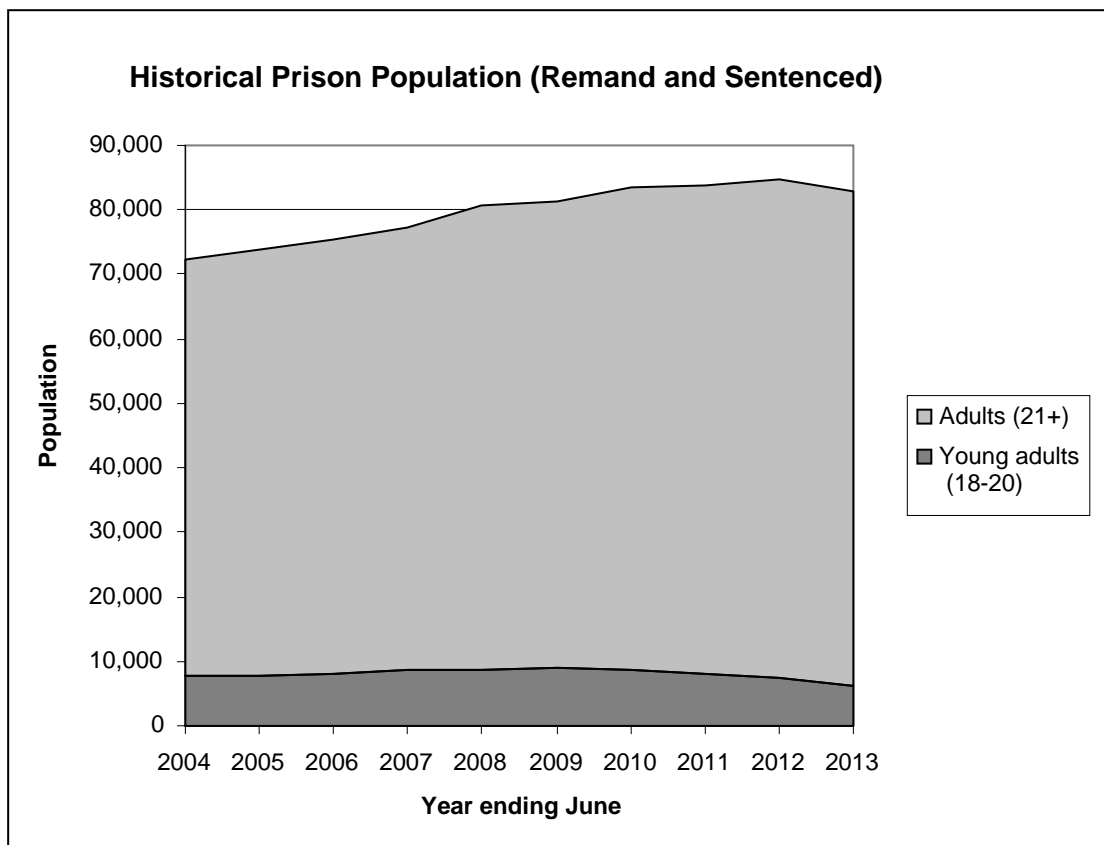
Source: Offender Management Statistics, January – March 2013, Ministry of Justice, 2013
<https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

Population Trends

The number of 18–20 year olds in prison serving custodial sentences and on remand increased between 2004 and 2009 and has been falling since 2010. The number of prisoners aged 21 and older increased year-on-year from 2004, peaking in 2012 before falling slightly in 2013.

Figure 1

Number of offenders on remand or serving a custodial sentence by age group, as at 30 June, 2004–2013



Source: Offender Management Statistics, January – March 2013, Ministry of Justice, 2013
<https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

Source (2004 data): Offender management caseload statistics (annual): 2008 and 2009
<https://www.gov.uk/government/publications/offender-management-caseload-statistics-annual-ns>

1: Includes prisoners held on remand, sentenced prisoners and non-criminals (this category includes foreign nationals held for immigration purposes and prisoners held for civil offences)

2. Remand and sentenced population

On 30th June 2013, a greater proportion of 18–20 year old prisoners were held on remand than older prisoners. 20.1% of all 18–20 year olds in prison were held on remand in comparison to 12.4% of prisoners aged 21 and older.

Table 4

Prison Population by age group and custody type, as at 30th June 2013

| Age Group | Type of Custody | Prison population, 30 June 2013 | Percent of the prison population |
|--------------------------|---------------------------------|--|---|
| 15–17 | Remand | 184 | 21.2 |
| | Sentenced | 681 | 78.6 |
| | Non-criminal ¹ | 1 | 0.1 |
| | Total | 866 | 100.0 |
| 18–20 | Remand | 1,261 | 20.1 |
| | Sentenced | 4,879 | 77.8 |
| | Non-criminal¹ | 132 | 2.1 |
| | Total | 6,272 | 100.0 |
| 21+ | Remand | 9,526 | 12.4 |
| | Sentenced | 65,353 | 85.2 |
| | Non-criminal ¹ | 1,825 | 2.4 |
| | Total | 76,704 | 100.0 |
| England and Wales | Remand | 10,971 | 13.1 |
| | Sentenced | 70,913 | 84.6 |
| | Non-criminal ¹ | 1,958 | 2.3 |
| | Total | 83,842 | 100.0 |

(1) Includes foreign nationals held for immigration purposes and prisoners held for civil offences, e.g. contempt of court

Source: Offender Management Statistics, January–March 2004–2013, Ministry of Justice, 2013
<https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

3. Prison accommodation for 18–20 year old prisoners

NOMS management data show that on 30th June 2013 47.6% of young adults were held in single-use YOIs, and 51.9% in dual designated establishments, which are certified to hold both young adults and older prisoners.

Table 5

Type of accommodation for 18–20 year old male prisoners in the custodial estate, as at 30th June 2013

| Type of YOI/HMP | Number of 18–20 year old prisoners ¹ | Percent of all 18–20 year old prisoners ² |
|--------------------------|---|--|
| Single Use YOI | 2831 | 47.6% |
| Dual-designated YOI | 3082 | 51.9% |
| Adult Male Prison | 27 | 0.4% |
| England and Wales | 5940 | 99.9% |

Source: NOMS P-NOMIS data.

1. The total differs from the overall 18–20 prison population as female young adults and young adults in the youth secure estate and in immigration removal centres are not included.
2. Total does not add up to 100% due to rounding.
3. These figures have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing

Based on total operational capacity on the 28th of June 2013, the occupancy rate of the six single-use YOIs was shown by NOMS Management information to be 84.0%. In contrast, the overall prison estate occupancy rate was 93.3%.¹⁴

Source: Prison population figures 2013- monthly bulletin
<https://www.gov.uk/government/publications/prison-population-figures>

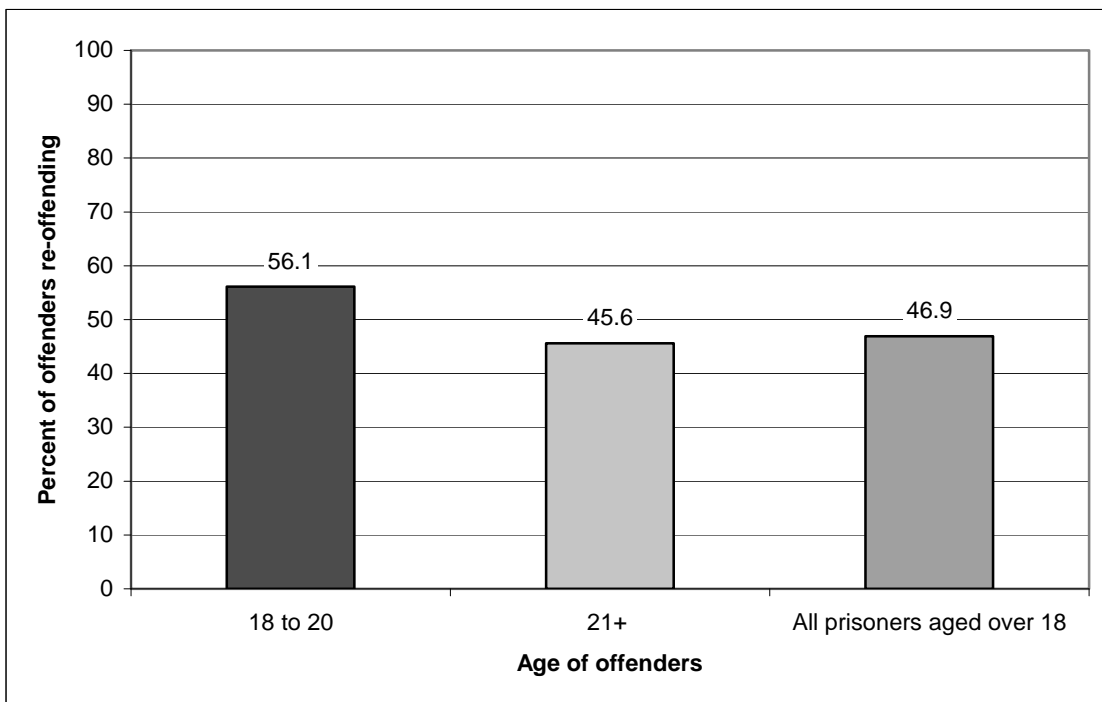
¹⁴ One of the six single use YOIs consists of two adjacent sites, with one YOI site housing 18–21 year old prisoners, the other site is commissioned by the YJB for prisoners aged 15–18. The population data are only available for the joint site. Total operational capacity is the sum of each prison’s operational capacity with no margins applied. Useable operational capacity is this total operational capacity, less a 2,000 place operating margin. The operating margin reflects the constraints imposed by the need to provide separate accommodation for different classes of prisoner i.e. by sex, age, security category, conviction status, single cell risk assessment and also due to geographical distribution. This margin is not apportioned to subsets of capacity and therefore the occupancy rate for the single-use YOIs is based on the total operational capacity with no margins applied, to allow for a straight comparison in this case total operational capacity has also been used to calculate the overall prison estate occupancy.

4. Re-offending rates for 18–20 year olds

18–20 year olds have high rates of re-offending. Proven re-offending rates for adult offenders decrease with age. Based on proven re-offending data for prisoners released in the 12 months ending September 2011, 18–20 year olds have a re-offending rate of 56.1%, in comparison to a rate of 45.6% for prisoners aged 21 and older and 46.9% for all prisoners aged over 18.

Figure 2

Proven re-offending for adult and juvenile offenders released from custody in the 12 months ending September 2011, England and Wales



Note: The group of offenders for whom re-offending is measured does not represent all proven offenders. Offenders released from prison are matched to the Police National Computer database and a certain proportion of these offenders cannot be matched. These unmatched offenders are, therefore, excluded from the proven re-offending measure.

Source: Proven Re-offending Statistics Quarterly Bulletin, October 2010 to September 2011, Ministry of Justice.

<https://www.gov.uk/government/publications/proven-re-offending-statistics-october-2010-to-september-2011>

Sources:

Offender Management Statistics, January–March 2013, Ministry of Justice, 2013

<https://www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013>

Offender management caseload statistics (annual): 2008 and 2009

<https://www.gov.uk/government/publications/offender-management-caseload-statistics-annual-ns>

Prison population figures 2013- monthly bulletin

<https://www.gov.uk/government/publications/prison-population-figures>

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