Follow-up to evidence session on young adults and the youth custodial estate

Thank you for taking the time to give evidence to us on the youth custodial estate and the treatment of young adults in the criminal justice system. We appreciate that this was a challenging session given that responsibilities for young adults do not fall within your remit. During the session, several points arose on which you, Mr Spurr, and Ms Toogood offered to provide us with further evidence. We should also like to give you the opportunity to provide to us more detail on some of the areas discussed.

The key purpose of the session was to get an update on the Government’s progress following the previous Committee’s report on the treatment of young adults in the criminal justice system. We are unclear whether we received partial responses because there had been limited progress or because you were treading unfamiliar territory due to the limitations of your remit. We set out a series of questions below which should assist us further in understanding the impact of our predecessor’s report. On some of these matters it may be appropriate for there to be liaison with Mr Sam Gyimah, to whom we have copied this letter.

Overarching strategy and governance

The previous Committee presented its recommendations in the form of a blueprint for a strategic framework which it expected to be adopted. It proposed that a strategy should acknowledge both age and maturity and be “founded on the clear philosophy that the system should seek to acknowledge explicitly [young adults’] developmental status, focus on [their] strengths, build their resilience and recognise unapologetically the degree of overlap of their status as victims and offenders”.

You indicated to us that your strategy was to have respect for maturity and the assessment of it and that you had discounted approaches focused explicitly on age (Q2-5). We are keen to learn what strategies specifically you have for dealing with young adults once an assessment has been made by prison or probation services and how that reflects the previous Committee’s aspirations? Related to this, we do not feel we received a satisfactory response to our question (Q7) about what changes have been made to governance arrangements to ensure that there is a more developmentally appropriate justice system.

Assessment of maturity
We were told that a maturity tool is being used in four prisons which will be rolled out after six months when HMPPS has learnt from its operation. When did these pilots commence and when do you envisage the tool be available across the estate? How do you intend to assess the impact of the tool prior to rolling it out? The evidence we heard focused very much on developments in prison. We are also keen to know please what progress has been made in developing assessments for use by probation services?

**Young adults in the community**

We asked about the impact of the guidance on better outcomes for young adults. Mr Spurr said “we have clarity about the direction we want to go in” regarding young adult men (Q67) and listed some work being done in custody. Please would you tell us when you expect to see progress in achieving that direction and the milestones in place to assess it? Please would you also provide us with specific evidence of the impact of the guidance on achieving better outcomes? In addition, we are keen to have similar clarity about the direction you want to go in both for young women and those on probation please.

You undertook to provide us with figures on the proportion of 18-25 year olds who now receive pre-sentence reports (Q66). We are also keen to learn the outcomes of the maturity assessments that are undertaken as part of these reports in terms of the levels of maturity being identified as well as the impact they have on sentencing and subsequent interventions? The Government response mentions a National Probation Service review of what works best in managing 18 to 25 year olds in both community and custody settings. What is the outcome of the review please? We would appreciate it if you would share with us the resulting report. Also in the Government response was a commitment to providing effective and credible community sentences to keep young adults in the community and integrated into local education, employment and health services and to shortly set out plans to that effect. What has happened to those plans?

**Young adults in prison**

You stated that the department is seeking to deal with young adults in custody in a way which is practical and affordable (Q5). The previous Committee proposed that the Ministry should examine whether a case can be made for additional investment in provision for young adults in recognition of the behavioural challenges young adults pose, the opportunity to repair neurological impairments while their brains are still developing, and their need for more intensive support. Have you made this assessment based on such an analysis? If so, what did it find? If not, on what basis are you suggesting that the existing strategy is cost-effective?

Our predecessor also proposed that staffing ratios should be more favourable for young adults. Are there plans for different ratios of prisoners to prison officers for those aged 18-25? If so, what will the ratios be? How will these officers address the specific issues of maturity raised in our predecessor’s report? (Q7). Mr Spurr also mentioned the development of an offender management in custody model which would increase probation capacity (Q7). Please would you provide us with a full description of that model, including plans for different ratios of probation officers to young adults.

The Government undertook in its response to the report to collect further information on the
effectiveness or otherwise of detention in young offender institutions and dual-designated institutions. Our predecessor proposed that a wider variety of custodial options be tested. You stated that the custodial estate in which young adults can be held is surprisingly diverse (Q5). Has the research proposed been conducted? If so, what is it telling you? If not, how can you be confident that the custodial estate for young adults is on balance not detrimental to their development and other outcomes?

The Government response stated that there would be learning for the treatment of young adults from Reform Prisons. What, specifically, have you learnt from the four dual designated Reform Prisons about the use of mixed institutions for young adults? Please would you provide us with an update on the current thinking on the review of sentence to Detention in a Young Offender Institution? We also asked about evaluations of the effectiveness for young adults of other prison-based initiatives, including the Identity Matters programme (Q78) about which Ms Toogood agreed to provide more detail in writing.

Disproportionality and outcomes

We are interested in knowing more about the work that has been done to address race disproportionality as identified by David Lammy in his recent review. We understand that you are continuing to work on a response but Mr Spurr described to us activities that had been undertaken following Baroness Young’s review which took place three years ago (Qq59). What impact has that work had on outcomes for young black and Muslim men?

We also asked you about individuals who had been through the care system and heard that there is now better identification of them, although you acknowledged that more could be done. How specifically have outcomes for care leavers in prison and on probation improved as a result of the Forum, Regional Leads and work between custodial establishments and local authorities mentioned in the response to our predecessor’s report?

The youth custodial estate

We would be grateful for some further clarification about the performance of STCs (Qq24-27) and penalties incurred by providers. Michael Spurr stated that G4S failed to hit some contractual requirements (Q26). What performance indicators are or were in the contracts, including those related to safety and violence? What did G4S fail to deliver on over the last five years, and what penalties were incurred?

You told us that currently Oakhill is performing to a contractual level with which you were satisfied (Q31) and that “if there is any evidence that it (Oakhill) is not safe and secure” you “do not rule out any decisions” (Q36). The OFSTED inspection of Oakhill STC in early October, published on 21 November, rates the Centre’s overall effectiveness as inadequate. Several questions arise from this:

• How do you explain the disparity between your assessment and that of the independent inspectors i.e. that they can be meeting their performance standards and judged by Ofsted as failing on safety, care and leadership?
• Do you consider the existing contractual standards to be high enough? If not, will you revise them? Are they sufficiently focused on outcomes rather than outputs?
• How specifically are the outcomes of inspections reflected in your assessments of performance? What further action do you plan to take in the light of this inspection?
• Are financial penalties a sufficient disincentive for poor performance, in your view?
Please would you also provide us with a clear statement on the preferred role of the private sector in custodial institutions for children, and the Ministry’s planned approach to the longer-term involvement of G4S in Oakhill STC given that it wishes to exit the market (Qq 21, 31)?

Looking ahead, you point to the creation of secure schools as a means of improving the custodial estate for children. We heard that you wish these to focus on sport (Q49). By what criteria are you intending to judge whether secure schools are a success? We would also appreciate it if you would help us to understand the basis on which you determine that the new institutions will be more effective than their predecessors. What makes you think they will be more successful than secure training centres and prior to them approved schools each of which were focused on learning? How specifically will they be different?

You referred to the maturity of children in the context of the youth estate and said “Do not underestimate how challenged and, indeed, how immature...these individuals are. We need to start building them up” (Q49). In relation to young adults, you said that the Department must recognise society’s views about age and maturity and that the status quo is “defensible”. Are you confident that the existing approach is providing the best outcomes for young adults and is not acting to the further detriment of their development? Should there not be an obligation on the Department to ensure that its policies do not facilitate the underestimation of the immaturity of young adults in the criminal justice system, including regarding their decision-making, and rather should seek to challenge ‘society’s views’?

You were asked to identify a target for reducing reoffending by young adults (Q55) and proposed that the aim should be for zero. What would you suggest would realistically constitute sufficient or good enough progress on reducing recidivism amongst this cohort?

**Prosecution and sentencing**

Please would you provide the Committee with an update on young adult courts? (Q85) We understand that the young adult court pilots which were to be established with funding from the Barrow Cadbury Trust have not yet got underway despite local support. Please would you explain the reasons for these delays and whether you are committed to ensuring that these pilots now take place?

**Other matters**

Please would you provide Committee with an update on the commitment to banning the box (Qq 86-87) both in terms of the Ministry’s own recruitment processes and wider policy?

Bob Neill MP
Chairman
Justice Committee