



changing lives
reducing crime

Response to MOJ consultation on transforming management of young adults in custody

19 December 2013

Introduction

Nacro, the crime reduction charity, is dedicated to reducing crime and reoffending in communities across England and Wales. We design and deliver programmes that equip people with the skills, advice, attitude and support they need to move their lives on and move away from crime.

Our services include:

- Housing: we help offenders to find somewhere to live and to develop independent living skills, helping them to foster the know-how and stability they need to bring about lasting change in their lives.
- Education and training: we provide pre-vocational and vocational programmes, problem-solving courses and employment preparation programmes for people who are stuck and can't see a way forward. We are also a provider of the government's Study Programme.
- Substance misuse: our services combine a dual focus on the individual and the community, offering interventions to people so they can not only recover from drug or alcohol dependence but also start to contribute actively and positively to the community.
- Offender management: we work with offenders in the courts, in prisons and in the community, managing the offender journey in a way designed to minimise the risk of reoffending.
- A dedicated national helpline and online service providing advice and support on resettlement matters to offenders, their families and practitioners such as finding somewhere to live, getting a job and dealing with the disclosure of a criminal record.
- Working with employers, helping them to recruit safely, assess risk and manage the recruitment and retention of staff with criminal convictions.

We also use our knowledge of what works to reduce crime to help inform policy and shape practice. In line with this, we work closely with government and public and private sector partners, using our experience on the ground to establish and pilot the best ways of reducing crime in local neighbourhoods. In our response to this consultation, Nacro has focused on the questions which are most pertinent to its work and on what will impact on our ability to reduce crime and reoffending in the future.

If you would like to discuss any aspect of our response further, please contact: Sally Benton, Head of Policy and Public Affairs, on 020 7840 7215 or email sally.benton@nacro.org.uk.

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?

Nacro welcomes the renewed debate on young adult offenders aged 18-20. It is clear from HM Inspectorate reports, escalating violence in young offender institutions (YOIs) and reoffending statistics that the current approach is failing to rehabilitate challenging young adults who are responsible for serious and violent offences and high levels of reoffending.¹ The proposals outlined in the consultation seek to address these problems but our reading of the proposals is that only one key mechanism is being considered. In contrast, evidence gathered for Nacro research programmes highlights the necessity for a clear strategy for this age group which targets resources at the various needs and risks and which is focused on rehabilitation. By adopting a one-dimensional approach which simply concentrates on the custodial accommodation aspects, may not address the complex problem of reoffending among the young adult population.

Although the number of young adults in custody is decreasing, the level of violence committed by them in YOIs has increased each year by 5-11% since 2006.² In those institutions experiencing high levels of violence, there is extended lockdown and purposeful activity is limited. This restricts the ability to engage offenders, address resettlement needs and challenge their behaviour at a time when effective rehabilitation relies not so much on where the prisoner is held but more on the approach, the range of interventions and the focus on continuation through the gate. This is characterised by: changing attitudes to offending; tackling drug or alcohol problems; providing help with mental health issues; tackling gang-related behaviour; and helping offenders to move forward through education and training.

Whilst the consultation presents an opportunity for change, as currently configured, the consultation proposals pay insufficient attention to the need for more tailored and purposeful activity for young adults in custody. Without this focus, the proposals in the consultation are unlikely, in and of themselves, to have the desired effect in terms of reduced reoffending and offender well-being.

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?

Evidence from the Nacro-led Beyond Youth Custody (BYC) programme – a research and evaluation programme delivered in partnership with three specialist organisations and universities – provides critical learning for the management of young adults in the custodial estate.³ This research highlights the complex vulnerabilities and needs of young adults in custody against a backdrop of evidence that a quarter of 18-20 year olds in custody report

¹ See in particular: HM Inspectorate of Prisons (2013) *HMP/YOI Feltham (Feltham A – children and young people)* London: Her Majesty's Inspectorate of Prisons; and HM Inspectorate of Prisons (2013) *Report on an Unannounced Inspection of the Decommissioning of HMYOI Ashfield* London: Her Majesty's Inspectorate of Prisons

² HC WA 22 March 2013: col 841W

³ www.beyondyouthcustody.net

having previously been in local authority care,⁴ almost half have a mental health issue (43%),⁵ nearly a third report arriving into custody with an alcohol problem, and nearly a quarter highlight problems with drug addiction.⁶ A fifth are homeless prior to incarceration and 40% have no formal qualifications.⁷

The BYC research also points to the relationship between the experience of traumatic events (including violence, abuse and neglect) or brain injury in early childhood and engagement in reckless and risk-taking activity, self-harm, aggression and bullying in adulthood.⁸ The health needs of the young adult age group require distinct management in the custodial estate, taking into account their variable levels of maturity, vulnerability and clinical mental health need.

The experience of Nacro's education services point to the need for quality, tailored education provision for young adults in custody. This includes the need for young adults to have sustained interaction with education and training not only in custody but also through the gate, with a view to enabling them to secure future employment. The BYC research found that for young adults, securing employment is the most commonly cited resettlement need, yet there are serious gaps in education and training during the custodial element of the sentence and a lack of follow-through upon release.⁹ Personal education plans are an irregular feature when young people arrive in custody.¹⁰ It is critical that this is addressed. Professional and quality driven learning plans should be commenced at the start of a sentence, alongside plans for entry into community provision at the conclusion of a sentence.

Nacro's experience as a specialist housing provider confirms that issues young adults have in relation to accommodation are exacerbated as a consequence of imprisonment.¹¹ This is supported by the BYC research which found that whilst returning to the family home may offer temporary relief, this can bring its own challenges and may put a strain on relationships which is not conducive to rehabilitation. Accordingly, individualised housing assessments should form part of sentence planning, together with properly funded housing support upon release.

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?

People who habitually commit offences tend to have negative attitudes towards authority, may be disconnected from their community and solve day-to-day problems in a way that leads to more crime. Often offenders have an external locus of control and believe that they

⁴ Farrant F (2005) *Young, Neglected and Back: Young men in prison, Research Briefing 2* London: Howard League for Penal Reform

⁵ *ibid* and Transition to Adulthood Alliance (2009) *Young Adult Manifesto* London: Barrow Cadbury Trust

⁶ HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11* London: The Stationery Office

⁷ Farrant, *supra* note 4

⁸ Beyond Youth Custody conference: 'Childhood Trauma and Young People in the Criminal Justice System' 19 November 2013

⁹ Farrant, *supra* note 4

¹⁰ Ofsted (2010) *Transition Through Detention and Custody: Arrangements for learning and skills for young people in custodial or secure settings* London: Ofsted

¹¹ Hazel N, Wright S, Liddle M, Renshaw J and Gray P (2012) *Evaluation of the North West Resettlement Consortium: Final report* London: Youth Justice Board; and Ellis T, Haydon C and Jenkins C (2012) *Evaluation of the Wessex Resettlement Consortium: Final report* London: Youth Justice Board

somehow slip into crime, and have little choice over what will happen to them in the future.¹² Left unchecked, this can perpetuate their offending behaviour.

Prisons must motivate and challenge offenders to take responsibility for their behaviour and for the impetus to change, supporting them to gain new insights, try out new things, and to stop falling back on familiar (negative and ultimately unsuccessful) behaviour. They must also help offenders to develop awareness of, and empathy for, the victim and encourage them to build a stake for themselves in their own community. Crucially, the work must involve hooking offenders into programmes – in prison and on release – and holding them there until completion.

Effective management and resettlement must focus on activity that moves young adults away from a position of dependency to a position of independence by equipping them with the skills, advice, attitude and support they need to move their lives on and stay away from crime for good.¹³ Every attempt should be made to place young adults in institutions close to their community. Maintaining community and family ties whilst in custody is crucially important to an effective resettlement policy.

Nacro's BYC research has identified a resettlement approach for young adults based on three core principles, namely: engagement; purposeful activity; and behavioural challenge.¹⁴ This model, which should be relevant to any rehabilitative custodial sentence, involves the following:

- Continuous service: ensuring seamless transitions between services and work carried out in custody and on release.
- Preparation for release: ensuring the availability of immediate and tailored activities in custody to improve the uptake of activities on release.
- Supporting transition: minimising disruption upon release.
- Ensuring engagement: sustaining motivation by developing relationships and activities with skilled practitioners and mentors.
- Co-ordination: systematically meeting needs through the use of resettlement champions and co-ordinated partnerships between agencies, family and the community.

The BYC research suggests that engagement can usefully be broken down into three steps:

Step 1: Where the service engages with the individual and establishes a meaningful relationship with them.

Step 2: The individual is engaging with the service – this is concerned with establishing a sustained relationship with the service. It involves the individual identifying with the service

¹² Social Exclusion Unit (2002) *Reducing Reoffending by Ex-prisoners* London: Office of the Deputy Prime Minister

¹³ Bateman T, Hazel N and Wright S (2013) *Resettlement of Young People Leaving Custody: Lessons from the literature* London: Beyond Youth Custody

¹⁴ *ibid*

and the objectives of intervention, and engaging with activities that both contribute to, and require, a shift in identity.

Step 3: The individual engages with wider society – this is concerned with transferring the relationship that has developed to mainstream society. The shift in identity achieved through engagement with resettlement provision is no longer dependent on the relationship with a particular service but is established to an extent that allows the individual to engage in a constructive manner with other agencies and wider society.

To reach each stage, services must place due emphasis on developing positive relationships and moving young people forward. In view of this, institutions and specialist providers must find ways to facilitate a young person's journey through each of these stages.¹⁵

There are various ways in which institutions can address this, building on the principles set out by the BYC research. Key features could include: tailored and quality education provision which operates through the gate; local employment opportunities; tried and tested programmes that address attitude, thinking and behaviour; rebuilding ties with local communities through engaging activity and social action; providing support with accommodation; and introducing positive role models and pro-social peer networks.

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

Our approach discussed in our response to questions 1, 2 and 3 can minimise the negative aspects of peer relationships whilst promoting the positive by reducing periods of inactivity and boredom, which can lead to young adults thinking about, and then engaging in, violence and bullying. The Philip Lawrence Awards Network (PLANet) is an example of pro-social networking for young adults in custody. Run by Nacro on behalf of Frances Lawrence (Philip Lawrence's widow), the awards were set up in memory of head teacher Philip Lawrence who was murdered outside his school in 1995 after going to the aid of a pupil who was being attacked by a gang. It involves young offenders coming together and connecting to create social action projects as part of their resettlement. Not only does this initiative address disengagement in the community, it also helps young offenders to recognise that they are capable of doing great things, both within themselves and together as a team, which forges strong positive peer relationships and mutual respect.

The consultation refers to opportunities that adult and younger adult peer relationships can bring. Whilst there is no formal evidence as to the impact of these opportunities on resettlement outcomes, organisations such as the Centre for Intergenerational Practice highlight the value of bringing people together in purposeful, mutually beneficial activities which promote greater understanding and respect between the generations. Although this concept is untested in the custodial setting, the key to its success may be in engaging young and older adults in activity together, which can build on what they have to offer each other. This is different from simply mixing younger and older adults in the hope that, by association, this will positively impact on behaviour within Dual Designated Institutions. The idea of pairing and intergenerational peer influences requires a detailed evidence base and

¹⁵ *ibid*, p.3

specialist consideration before this approach is implemented in prisons to make sure that that any potential pitfalls are managed effectively.

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?

Young adults in custody are likely to have experienced numerous moves and changes in their lives which may involve a range of occurrences from leaving care to homelessness. The likelihood is that the custodial experience may further compound this instability and sever positive links to the offender's own neighbourhood. In view of this, it is critical that any period in custody does not exacerbate the problem by introducing additional disruption. We have seen that the decision to change the custodial purpose of HMYOI Ashfield and to transfer inmates elsewhere was accompanied by a sharp increase in self-harm incidents and violence.¹⁶ Good practice identified by Beyond Youth Custody, which is applicable to transitions within custody, suggests that it is important to prepare young people for difficult changes, with significant effort placed on forming relationships with people in the new establishment in the weeks leading up to the change. They should also be clear about plans for the transition and what arrangements have been made. Preparation may include familiarisation visits to learn about the new regime and having/meeting a named contact before the transition is made.

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

Implementing an effective approach for young adults in custody relies on the support, expertise and commitment of all staff within the prison, as well as those practitioners and professionals who provide key activities and services from the outside. Staff are critical to any successful custodial intervention, not only through the delivery of the services they provide, but also through their day-to-day interactions with incarcerated individuals. All staff should be provided with the appropriate level of understanding on the risks, needs, assets and motivations associated with young adults in custody. In particular, they should be able to identify signs associated with mental health issues, traumas and/or learning disability. BYC research (referenced earlier in this consultation response) found that if staff members have a personal interest in, and dedication to, the young person's rehabilitation and the young person is aware of this, this can motivate them to engage and keep on engaging with resettlement services once out in the community. Professionals who display empathy, respect and involve young people in their custodial plans are more likely to build positive relationships with, and have an impact on, the young people they work with.¹⁷

¹⁶ HM Inspectorate of Prisons (2013) *Report on an Unannounced Inspection of the Decommissioning of HMYOI Ashfield* London: Her Majesty's Inspectorate of Prisons

¹⁷ Mason P and Prior D (2008) *Engaging Young People who Offend: Source document* London: Youth Justice Board

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?

It is well documented that women's experience of crime and prison is different from that of men. The BYC research found that young women report higher levels of unmet need than young adult men.¹⁸ This calls for an approach that is women-centred and that takes into account the distinctive and high levels of need present amongst young adult women. In particular, women generally commit low-level crime, have more mental health and drug/alcohol problems, exhibit higher levels of self-harm, and are more likely to have suffered physical or sexual abuse in their life than men.¹⁹

With this in mind, it is important that the recommendations made in the Corston Report are implemented, in particular, the introduction of smaller secure units that present the opportunity to accommodate female prisoners closer to home and to crucial family ties.²⁰

To implement an effective woman-centred approach, staff should be trained appropriately, and institutions should ensure that service provision in the women's estate adequately meets the complex needs of women in custody. There have been some notable successes in the provision of women's services in the wake of the Corston Report. However, the recent review by the Justice Select Committee continues to highlight the importance of gender-specific services and a gender-specific environment in custody which include: appropriate mix of male to female staffing, access to female only provision in custody, specialist domestic and sexual violence support, childcare and parental support, specialist healthcare, access to specialist local-community based services, mental health care and support to address poverty and debt on release.

¹⁸ Hamlyn B and Lewis D (2000) *Women Prisoners: A survey of their work and training experiences in custody and on release, Research Study 208* London: Home Office

¹⁹ Home Office supra note

²⁰ Home Office (2007) *The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities* London: Home Office