



Justice Committee

Oral evidence: Young adult offenders, HC 397

Tuesday 10 November 2015

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Written evidence from witnesses:

- [Royal College of Psychiatrists](#)
- [Dr Nathan Hughes](#)
- [Professor Sir Anthony Bottoms and Professor Joanna Shapland](#)
- [Ministry of Justice](#)
- [Youth Justice Board for England and Wales](#)

[An audio recording of the meeting is available here](#)

Members present: Robert Neill MP (Chair); Philip Davies MP, Mr David Hanson MP, John Howell MP, Dr Rupa Huq MP, Andy McDonald MP, Victoria Prentis MP, Marie Rimmer MP.

Questions 1–56

Witnesses: **Dr Nathan Hughes**, University of Birmingham, **Professor Sir Anthony Bottoms**, Universities of Cambridge and Sheffield, **Dr Enys Delmage**, Royal College of Psychiatrists, **Dr Prathiba Chitsabesan**, Pennine Care NHS Foundation Trust, **Poppy Harrison**, Youth Justice Board, **Hannah Doughty**, Association of Youth Offending Team Managers, and **Colin Allars**, National Probation Service gave evidence.

Q1 Chair: Good morning, ladies and gentlemen. Thank you very much for coming to give evidence in the first of the formal evidence sessions of our inquiry into the treatment of young adult offenders within our criminal justice system. We are very grateful to you for taking the time to come along and talk to us.

First of all, are there any formal declarations by any Committee members? As you know, we have a normal Register of Interests and so on; it is just if there is anything specific to the panel that we need to declare. I do not think there is.

Before we go into the questions, would you like to introduce yourselves for the record?

Dr Hughes: I am Nathan Hughes. I am from the University of Birmingham. I am a senior lecturer in social policy and social work there.

Dr Delmage: I am Enys Delmage. I am the clinical director of the adolescent secure service at St. Andrew's in Northampton.

Dr Chitsabesan: I am Prathiba Chitsabesan, consultant child and adolescent psychiatrist from Stockport in Manchester and a research fellow with the Offender Health Research Network at the University of Manchester.

Professor Sir Anthony Bottoms: I am Anthony Bottoms. I am an emeritus professor of criminology at Cambridge and honorary professor of criminology at Sheffield. It was the Sheffield desistance study that we gave evidence on.

Q2 Chair: Thank you. I apologise to the panel; it is a bit like trying to see the conductor from the stage in a rather poorly adapted opera house or something. It is not like Bayreuth here. In the new Committee rooms we have a sunken pit, if you like, for our recorder, but as it is we will do our best.

We have talked about desistance and a number of other things, but I would like to start with the whole issue of age and crime and then go on to desistance. We have seen the material that has been produced by you and others around what they call the age-crime curve, which is pretty well evidenced, as far as I understand it. The thing that struck us was that offending behaviour seems to decelerate very swiftly in a person's 20s. Perhaps you would like to start, Professor Bottoms, and then other members of the panel can come in. Why is it that there is that significant rate of deceleration at that point in time?

Professor Sir Anthony Bottoms: This has to be looked at in two ways. People talk about the age-crime curve, but, in fact, there are various kinds of age-crime curves. The standard kind of age-crime curve that you normally see presented is simply all offenders in a given year, and, as you say, that does show a very marked deceleration, but that includes large numbers of people who have only offended once. The Committee might be pleased to hear that the majority of people who are convicted or cautioned for the first time do not come back again. Those people have been described as adolescence-limited offenders. There are quite a lot of people who, in adolescence, simply come once or maybe twice, and then stop.

What is really interesting, however, is that there are many fewer studies, but there are studies, of the age-crime curve for persistent offenders. Persistent offenders are normally defined as people who have been before the courts on at least four or maybe five occasions for non-motoring offences. Interestingly, internationally, the age-crime curve, even for persistent offenders, is almost identical in shape to the standard age-crime curve. In other words, even persistent offenders rapidly drop off, as you say, in their early 20s. That was precisely the reason why colleagues and I set up the Sheffield desistance study, because we wanted to know more about this process of stopping.

In a nutshell, what seems to happen is a review. It is quite well referred to in paragraph 3.2.2 of the Royal College of Psychiatrists' submission, where they say that "young adults are at a stage of developing their self-identity, settling into the adult world, finding their place, gaining independence and finding partners."

That process, which all of us go through at that kind of age, has been described as recentring your life as you approach adulthood. It is much more complicated, however, if you have four or five non-motoring convictions behind you because your prospects of getting a job are not so good and so on, but there is also a realisation that if you continue in this path you are going to finish up in prison for a very long time. As the growing maturity, which you will hear about more from colleagues on the panel, kicks in, people begin to realise that the path they have been on just does not make sense and so they are looking for a way to change.

Q3 Chair: There is something in the old adage that they have a partner, they have settled down and they have moved on.

Professor Sir Anthony Bottoms: Absolutely. Certainly that often helps, and there is very strong empirical evidence on that.

Chair: There are other things as well.

Professor Sir Anthony Bottoms: But also important is simply the realisation that this path is not a sensible path and they want to change.

Q4 Chair: The penny drops. That is very helpful. Are there any other comments on that deceleration point before I move on to some of the maturity issues?

Dr Chitsabesan: It is worth adding that, with regard to those young people who are more likely to be persistent offenders into adulthood, the longitudinal studies suggest that they are more likely to have neuropsychological deficits, including neuro-disability. It is helpful to highlight that when we talk about reoffending.

Q5 Chair: For the lay people, can you just explain to us what the neuropsychological deficits are?

Dr Chitsabesan: Problems with executive functioning, emotional literacy and regulation, learning difficulties, language problems—those kinds of particular difficulties. It is young people and adults with ADHD, autism, learning and language disorders, and head injuries.

Professor Sir Anthony Bottoms: That is true, but it is also true that even people with quite bad prior histories of this kind sometimes do desist. That is an interesting phenomenon.

Dr Hughes: We can think about this in a couple of ways. There is something about the sorts of behaviour that young adults may be engaging in for reasons to do with their psychological and neurodevelopment during this age period, and then there are factors that Sir Anthony was talking about around the context of their lives, if you like. The notion of neuro-disability fits within both of those. It may be that the processes of maturation are not taking place in the same way in terms of the development in their behaviour. Also, the key factors that Sir Anthony raises about how the context of a young person's life might change during this period are going to be particularly challenging for those people with neuro-disability. Engaging in employment, further education and forming loving adult relationships—all these factors—are going to be more difficult because of that neuro-disability.

Q6 Chair: We are sometimes presented with this scenario that you have young offenders, young adults and then adult offenders and, somehow, there are cut-off points. That might strike some of us as perhaps being potentially artificial, because it will usually depend on the individual, but in broad terms can you draw any views as to which the young adult cohort is closer to in its similarities, or is that almost an impossible task to achieve?

Dr Delmage: We have some neuroscientific evidence to put forward in terms of brain development. We know in terms of the neuroscience currently that the brain is a very plastic organ, by which I mean if you take it out of a very aversive set of circumstances it can repair; it can heal to an extent. We know that that plasticity continues until about the age of 25. That would be one speculative cut-off, and, again, that is part of what informed the evidence that we submitted.

I just want to come back to a point that Sir Anthony raised about the social context in which these brains find themselves. I would point the panel towards some evidence put forward by Lesley McAra, who looked at the effect of even low-scale contact with the youth offending system. She found that even at the level of cautions and that kind of thing it starts to impact on the young people's identity.

Again, you have to remember that the young people I tend to work with have no identity within school; they have very little identity within home. The prosocial parents do not want their kids playing with them. So suddenly they are in a situation of trying to work out who they are; there is an antisocial group of kids at the end of the road who are very happy to give them an identity and that forms who they are. That does have an impact in terms of that brain wiring. In the service I work in, our job is to help them develop prosocial wiring rather than antisocial wiring, but it is really important to remember the context in which these brains find themselves.

Dr Chitsabesan: Is it all right to add something else to that, just around adult offenders and whether they are more similar to children or adults?

Q7 Chair: Perhaps you can do it in this context—work it in, Doctor. Toby Harris's report—Lord Harris of Haringey's report—says essentially that all young adults in custody are vulnerable. Is he right to make that assumption? Does that apply more generally? Against that context, say what you are going to say and see how that relates to Toby Harris's conclusions.

Dr Chitsabesan: Young adult offenders generally are very vulnerable, so in some ways they are very like children in that they still have the brain maturation. They have the impact of neuro-disability, but, like adults, mental health needs and substance misuse difficulties are much greater than for children. The double jeopardy that young adults face is the lack of support in systems around them. Many services start to fall away at the age of 18: CAMHS—mental health services—youth offending services and education. You have all of those kinds of risk factors and fewer protective factors in that particular age group, which does increase vulnerability.

Dr Delmage: The evidence that was submitted is for what we would call neurotypical children, so these are the average children. Of course, the children who find themselves in the youth justice system are not neurotypical. We have found a number of deficits in terms of the brains of these children.

Professor Sir Anthony Bottoms: I would like to add as well that vulnerability is not a unidimensional concept. People—particularly persistent offenders—can be very sophisticated in some respects, doing quite clever drug deals and things like that, but on the other hand they can have very significant emotional immaturity going alongside that. So it is a very complicated picture.

Chair: Anyone who has practised in the courts will certainly have come across that. That strikes a bell.

Dr Hughes: I will just return to the original question about whether you can see young adulthood as a distinct period and then, as you say, link it to this notion of vulnerability. There is a weight of evidence, which we do not need to go through now—it is in the various submissions you have, which consistently suggests that this is a distinctive period of development. Whether that is neuroscientific research, criminological research, sociological research or behavioural science research, there is something distinct going on here. I do not know whether you can easily draw a line at 24 or 25 and whether it is the same for all young people—clearly it is not—but as a phase of life something specific is happening here that we need to reflect on. Because of that, I would follow the argument that this is a period of vulnerability. We think this is a distinct period at which this maturation is taking place. At a crucial period of the development of a young adult there is a vulnerability on the basis of that, as well as these additional vulnerabilities that are being discussed.

Q8 Chair: Whether they are in custody or not there is vulnerability, and if they come into contact with the criminal justice system the vulnerability is heightened if they are in custody, with those caveats.

Dr Hughes: Exactly. Whether custody is an effective place to develop someone's maturity is the issue there.

Chair: Thank you very much.

Q9 Dr Huq: It is good to have a wide range of seats of learning and disciplines represented. Carrying on with the brain development, neuro-disabilities and crime relationship, you have said something already about the evidence from psychology and neuroscience on the development of maturity and adolescence. It is something I am interested in; I am a sociologist so it is a whole new world to me. Common parlance associates youthfulness with being a time of folly and blah blah blah, so it is interesting to hear the academic evidence. What other factors do you think impact on the maturation, if there is such a word, of young adults—the theories from psychology and neuroscience, and then any others?

Dr Delmage: That is quite a broad question, I guess. As I have said, there is a social context in which these children find themselves, which is extremely important. That does not change significantly, I guess, when we are looking at adult brains. The point that Nathan was making about this continuum—Sir Anthony referred to it as well—is that we have a very piecemeal pattern of development, so there is no identical trajectory that these brains will go through. People develop aptitudes in different ways. What we do know is that the frontal lobes—I have the sort of head that is easy to demonstrate on—are the last bits of the brain to develop, and it is the frontal lobes that are responsible for judgment, consequential thinking, future-orientated decisions, empathy, remorse, planning, all those

kinds of things. We have a mismatch between the emotional processing centre in the middle of the brain, here, and the frontal lobes. That is thought to account for the increased risk-taking, the impulsivity, the poor judgment that a lot of adolescents and young people demonstrate. As I said, that mismatch is problematic from a sociological management point of view and, as I say, does continue. The frontal lobes are the last bit of the brain to develop and will continue developing into the mid-20s, which does present difficulties in terms of the sociological constructs in which they find themselves.

Q10 Dr Huq: How would you say maturity affects criminality and what would the implications for us as a Justice Committee be for treating young adult offenders and for promoting desistance?

Dr Delmage: There are very clear issues in terms of peer influence. We know that young people have heightened susceptibility to peer influence. That has been replicated in a number of studies. They are very influenced by the social milieu in which they find themselves. In that context, housing them in young offenders institutions may seem counterintuitive because you are putting them in the midst of other young people who also demonstrate antisocial behaviour.

Dr Huq: Universities of crime and all that.

Dr Delmage: Exactly. There are some challenges in terms of that specific heightened vulnerability.

I could wax lyrical about the difficulties within the court process for young people, but that is probably out of the purview of this discussion. Certainly, there are considerations about the unity of the teams that surround these young people. I was talking to my colleagues before we came in. The best example I have seen of really holistic care for these young people was a MAPPA meeting. These are the multi-agency public protection arrangements involving police, health, the local authority and education. These holistic, wide-scale meetings in order to manage young people reap massive dividends. We have a forum in which to action a number of different strategies to manage them, but that kind of collaborative team working is not pervasive; it does not happen frequently. Things are improving, but in terms of solutions that is certainly one I would pin my money on if I had the purse strings.

Professor Sir Anthony Bottoms: In terms of looking at similar issues, but from a more sociological point of view, you talked about the importance of peers. In the Sheffield study, which was of persistent offenders with an average of eight non-motoring convictions by age 20—which is a lot—about 90% of the friends of these young men themselves had criminal records, so you get this kind of bonding with peers. When people begin to want to desist, developing the process I described at the beginning of the session, one of the things they do is deliberately to try and drop friends. A process that you can see happening, if you do detailed interviewing about it, is that, having decided they want to stop, they deliberately work out strategies where they will not go to a certain place to meet people because they basically do not trust themselves in that situation not to fall back into crime. Peers are, in that sense, very important. Also, very important from our study was the fact that we gave them a list of 15 obstacles that we copied from a previous researcher, with acknowledgment of course. The interesting thing was that one of the top four

obstacles that they identified of these 15 was the excitement of offending. Missing the excitement of offending very much ties up with the psychological evidence.

Dr Hughes: The responses so far are really useful, particularly in highlighting some of the particular things that are going on and the behaviour and the functioning of young adults. Peer influence is a key one, and you will have submissions also about impulsivity and risk-taking and all those sorts of things. In terms of what we can do to respond to that, the first thing is to recognise that and to have probation staff and criminal justice practitioners who understand the different forms of behaviour that might be taking place and the reasons for behaviour among young adults. The second is to think about how you address that. Crucial to that is this relationship-based approach—the sorts of things that we see in youth justice settings that we do not typically see in adult settings, where there might be a relationship formed between the probation officer and the young adult that thinks about almost recreating that positive parenting model where you are understanding the life journey of that young person and reinforcing that prosocial behaviour, but at the same time holding them to account and control. It is really about thinking about how those forms of relationships can support this maturation that we are talking about.

Q11 Victoria Prentis: I am going to ask one follow-up question, if I may. Is there anything that new smart technology—not just tracking devices, essentially, but devices that can tell whether you have been drinking or whether you have been going in an area where disreputable friends might be—can do to help, specifically with young offending?

Professor Sir Anthony Bottoms: Yes, there is. I do not know a great deal about it, but GPS tracking is available and it is available to the criminal justice system. One of the problems with GPS tracking, however, is that it is essentially short-term. Under the available orders, it tends to be applied over a limited period and it is very good at controlling people's movements over a short period. It is less good at thinking about people's long-term change in behaviour.

Dr Chitsabesan: Can I follow that up by saying that the risk factors for antisocial behaviour and offending are multifactorial, so any intervention needs to be multimodal? Quite often, we focus on one area without thinking about the broader picture.

Q12 Victoria Prentis: Generally then, you have talked about how maturity is very different from age. At the moment we, as lawyers, tend to measure things in black and white with ages. What can we do to look more at the reality of someone's maturity?

Dr Delmage: The civil law takes an interesting position on development. We have the notion of Gillick competence, which has no lower age limit, which is reflective of the fact that age markers are not a good indication of brain development. An approach like that would seem more intuitive. As I am sure everyone is aware, the minimum age of criminal responsibility is 10. Neuroscientifically that does not make a huge amount of sense, and internationally it makes even less sense. The civil position reflects the fact that there are developmental spectrums, and indeed, the Mental Capacity Act has some variability for 16 and 17-year-olds, which reflects the level of development that the young people are at. That is a really helpful approach.

I would reiterate the point that chronology is no indication of underlying development, so to have stark cut-offs is counterintuitive. I appreciate there is a practical consideration in

this, in that you need to have some level of cut-off, but we need to be very cognisant of that spiky development process—that things are not always linear.

Q13 Chair: You mentioned differences in the court process in that context. What were they?

Dr Delmage: Again, this is not a novel idea unique to me, but the process in youth court for getting those young people into family court is currently not a straight path and it is not an easy strategy. The difficulty that I have in youth court settings is that any young offender that I meet would also be defined as a child in need, by virtue of the fact that they are out of parental control, they are causing social unrest and so forth. All the children in young offenders institutions and secure training centres are, almost by definition, children in need. There needs to be some method of involving local authorities at the level of court contact, and even before it, which there does not appear to be at the moment. It is done via happenstance. What I was talking about in terms of that serendipitous MAPPA arrangement needs to be replicated, and I think is being replicated. There are moves afoot in various local areas to do that. It is not pervasive though, and it needs to be.

Q14 Victoria Prentis: How much research has been done on the difference between the development of young women and young men—the difference in timescales, really?

Professor Sir Anthony Bottoms: In short, not enough.

Dr Hughes: I would say, if you put crime into the equation as well, very little. It is partly because of the cohorts that researchers have to work with, which are predominantly male, so they are not powered enough to say something about females. There is probably more you could say about gender. You can take crime out of the equation and see what psychology might say about that development.

Dr Delmage: There are definitely differences in terms of grey and white mass development in boys and girls. This is my very vague understanding of the brain. The white matter is the wiring in the brain, whereas the grey matter is the processing power of the brain. Of course, without that wiring, the different bits of the brain do not communicate with each other very effectively. The good news is that girls have more of that white matter; they are able to communicate more effectively. On a practical level, the differences that I tend to see are that boys tend to externalise the trauma. They will be violent, aggressive and make verbal threats, whereas girls are much more likely to internalise distress and trauma. There will be self-harm and overdose behaviour—that kind of thing. There is a practical difference, but there is a lot of crossover. There are a lot of girls that I manage who are actually quite aggressive and a lot of boys who will self-harm.

Q15 John Howell: I want to move on to looking at neuro-disabilities and traumatic brain injury. I have before me a chart that shows the persistence, in the normal population, of things like learning disability, ADHD and autism, and looks at that in the situation of young offenders. The figures are quite out of kilter. If you take autism, for example, it is 1.7% to 9% in the normal population, but it is 15% in the young offenders population. Do you think that we understand enough about these diseases to be able to pick them up? I suppose that is my first question, and I will ask some supplementaries on the basis of that. Do you think we understand them, or are they too broad-brush as concepts?

Dr Chitsabesan: Is that around the criminal justice population or the general population?

John Howell: Yes.

Dr Chitsabesan: We are not picking them up in the criminal justice population. Often we tend to find an overlap between disorders and many young people and adults not quite meeting the criteria sometimes for an Axis I diagnosis; they might have not severe ADHD symptoms but moderate symptoms, but they have some learning or language difficulties. It is a mixture of disorders coming together, which complicates the picture as well, but we are definitely not identifying them as much as they are prevalent, basically.

Q16 John Howell: Do you think we understand enough about them? Let me give you an example about this in the case of autism. My wife has taught autistic children for many years and she believes that most men are autistic; they show many of the characteristics of this. I understand that there is a great discrepancy between the British and French approach to autism in the way that they regard it. If we are not understanding enough about those diseases, how on earth are we going to pick them up?

Dr Chitsabesan: For some disorders such as ADHD and autism there is lots of research. For other areas we are still growing that research area, traumatic brain injury being one of those. We increasingly do have studies that tell us what ADHD might look like in young people, in young adults. It is the complication of the presentation that sometimes means they are not being picked up. Quite often, these are young people and young adults who tend to present with a lot of externalising behaviours. Working with children, we tend to find that external professionals and parents tend to focus on those externalising behaviours. They will often talk about conduct disorder, oppositional defiant disorder or antisocial personality disorder, without looking to see whether there are underlying neuro-disability or neuropsychological deficits that might be contributing to that picture.

Q17 John Howell: Are the responsibilities clear for how these needs should be identified and how they should be addressed?

Dr Chitsabesan: I think they are.

John Howell: Professor Bottoms, you were indicating no.

Professor Sir Anthony Bottoms: I am not a specialist in this area, but you are saying that the criminal justice system is not terribly good at picking them up. As a range of evidence before you suggests, there is certainly a case for developing better evidence for the courts and for treatment agencies in prison and probation on both neuropsychological and other kinds of maturity deficits.

Dr Chitsabesan: As part of the Offender Health Research Network we were involved in developing the CHAT for the Youth Justice Board. That was based on a study 10 years ago with Professor Dick Harrington and Professor Dame Sue Bailey around the number of needs of young people with mental health needs and neuro-disability that were not being picked up. That CHAT tool has now been introduced across the secure estate, and we are seeing far more referrals and identification of those disorders. Some of it might be about research in identifying these young people. The other aspect is around screening and ensuring that we have some assessment tool, because many health and criminal justice professionals struggle to know how to screen and assess these young people and to identify them.

Dr Delmage: The simple answer, I suppose, to part of your question, which was about the extreme male brain being autistic, is that these disorders operate on a spectrum so that the more severe you become, eventually you will reach the sufficient constellation of symptoms of severity to merit the diagnosis. I suppose my feeling is that often the recognition within youth offending services is the first point of assessment that a lot of these very disenfranchised children will have had. Often that can be the first point at which these kinds of disorders are picked up. When you look at the methods of screening and the tools that we use within youth offending teams within criminal justice settings, the tools are not too bad. The issue is one of resource, so not having the right professional in place being able to assess those young people is extremely problematic.

Looking at the court situation, asking adult psychiatrists who do not have the expertise to assess young people and children is foolhardy. The Royal College is working towards supporting child and adolescent mental health services to provide these kinds of reports, but there is a piece of work for health services to do to get professionals out there and the right people to assess these children. The community samples are much more challenging because these are not children who will willingly come for appointments and will willingly engage. They are hard to reach by definition, so there is a challenge there in terms of community services. I suppose my point would be that there are resource problems in the assessment processes.

Q18 Andy McDonald: I should perhaps declare an interest as a solicitor in practice with people with head injuries, and I was a chair of Headway in my locality. I want to come back to you about that. John mentioned the prevalence of those with brain injuries in custody. The rates are something between 32% and 50% of young people in custody, as opposed to 5% to 24% in the general population, so that perhaps tells us an awful lot.

I know you touched on screening in your last answer, but can you just give me a little more information about what screening is available to assess maturity in the presence of neuro-disabilities and, indeed, brain injury in young offenders, how much it is used, whether there are any barriers, and how they could be overcome? What I am really driving at is that it appears to me that there is an overwhelming need for widespread use of neuropsychological assessment. Are those screening mechanisms there? Is that expertise there, and how is it being deployed? Can you give me some sort of sense of the extent to which those tools are used?

Dr Chitsabesan: As far as I am aware, if we are talking about young adults, there are not those particular tools in place. For young people under the age of 18 we have the CHAT, but that very much focuses on neurodevelopmental disorders and not neuropsychological testing. There are different issues here. There is one around mental health needs and neurodevelopmental disorders and needs, there is one around maturity, and then there is also neuropsychological testing and impairment. The three are slightly different but might interface and influence each other.

Dr Hughes: We are very well developed, through the CHAT, in what we do in the custodial setting. We are much less developed in what we do within the community setting. I know there were developments in using the CHAT in the community setting in youth justice. We need to think about whether that CHAT can be developed to be used in a young adult setting as well. All of that, of course, is far too late in terms of trying to

recognise some of these instances and finding the assessments through schools or through first contact with the criminal justice system. The diagnosis of clinical disorder is one thing, but then empowering staff to recognise where a young person presenting with particular problems may be demonstrating neurodevelopmental impairment, which may or may not be at a clinical level, is really important. It is about getting messages across about the red flags or the warning signs that people should be aware of. Of course it is very tricky for youth justice professionals—for whom the majority of people presenting to them may be presenting with a whole range of behavioural problems—to pick out the impairment-related issues in there, but it is not beyond us to do that.

Q19 Andy McDonald: If there was an early assessment and it detected an organic cause for the behaviour—somebody could present with unacceptable behaviour or criminal behaviour that is intrusive, antisocial and so on and so forth, but there is an organic cause, such as a loss of consciousness or an assault—surely there would be implications for us if that was earlier down the track and more widely available.

Professor Sir Anthony Bottoms: It is worth noting that, in conjunction with Birmingham University, the Transition to Adulthood Alliance, which I am sure you have been told about, has just put out this guide entitled “Taking Account of Maturity: A Guide for Probation Practitioners”. This uses some items from youth assessment scales and suggests to young adult practitioners how they might move in this direction. This is evidence that this is not done very much at the moment, but there are moves in this direction.

Dr Hughes: As an author of that, I would say it is not new; it has been around for a while and it has been widely used in probation services, but that is a far more holistic picture of maturity. It is about using questions that are already being asked by probation staff through OASys to try and make sense of how they can reconstellate their thoughts and how a young person can think about maturity as something they can use as a developmental concept. I do not think it addresses the things that you are talking about necessarily.

That, for me, is about the sharing of information. The health service knows that there has been an incident of brain trauma if someone comes to the hospital. Where does that information go? Does it go to the school? Do they understand how that brain injury may be affecting behaviour in the school at that time? Does it transition with the young person into secondary school so that the secondary school knows, because the problems may not come online until the teenage years? The information has to go with the young person into secondary school, etc. etc. It is about the transfer of that knowledge.

Dr Delmage: I suppose there are three potential hotspots in terms of things that are not easily spotted. One is ABI, as you have mentioned; another is speech and language deficits, which are really common in this group and often unrecognised into adulthood. The other one, which my chief medical officer will shoot me if I do not mention, is foetal alcohol syndrome, which is again a really unrecognised problem.

Chair: Thank you. We will move on to the sentencing implications of some of this.

Q20 Mr Hanson: At the end of the day, individuals have to come before the courts. I suppose the key question for us is: are those people who are undertaking the sentences aware of the information in relation to the different types of neurological conditions, from acquired

brain injury to foetal alcohol syndrome, and is there sufficient awareness of those issues? I suppose the second correlation from that is really whether it matters in terms of their sentencing. Should they change their approach to sentencing as a result of any information that they may have? I do not know if anybody wants to comment.

Dr Delmage: A lot of people are aware of these issues. You are right in terms of the limited sentencing options that might result from it, but I would come back to my previous point about resource issues. Unless judges have in front of them a report from a specialist of some description, their hands might be relatively tied. There is a secondary point, I suppose, in terms of the training that magistrates and Crown court judges receive, which in the criminal setting is thinner than it is in family court and civil court settings. There are things that can be done in terms of training and education in court settings, but my concern from a clinical point of view is that we are not providing magistrates and Crown court judges with the tools to deal with these situations properly.

Dr Hughes: There are two things there. There is something about having the specialist interventions that we might need, which might draw on expertise within health and other settings, but there is something about empowering probation staff to think about how their generic practices might be changed in order to respond to some of the learning needs and the learning styles of the young people that they are working with. There is guidance out there, through NICE and other organisations, about how you engage more effectively with people with particular disorders that we can translate to change the normal way in which we do things, in order to be more appropriate to young people with impairments. There are things like making sure that sessions are shorter, a bit more frequent, that they are repetitive of the key things that you are trying to get that person to engage with. There might be particular life skills that need extra attention. There are toolkits for practitioners to use if we can train them appropriately to use them.

Dr Delmage: There is, of course, an extrapolative point that by the time they are in court and being sentenced you might have missed that maturity argument. So, even at the level of mens rea, are they capable of committing the offence in the first place? I never get court report requests asking me to address that issue. I get a lot of court report requests regarding fitness to plead and effective participation, but the horse has bolted by that point. We need to intervene at an earlier stage.

Professor Sir Anthony Bottoms: Looking at it from a broader social perspective, the issues about maturity that we are talking about are, of course, very important, but the criminological evidence is also important, which is that one of the best predictors, sadly, of continuation is prior offending. There is a significant difference between persistent offenders and those who are more occasional offenders. There is a tool called OGRS—the offenders group reconviction scale—which just measures reconviction or not. As I have tried to say with my colleague in our evidence, reconviction or not is not a very good measure in this age group because, particularly for persistent offenders, they are committing a lot of offences. The real issue is reduction of the frequency of offending. The really interesting issue is that, despite all the vulnerabilities and so on which are real, in general people put together a package that allows them to significantly desist over the period from 20 to 25. You have a mixed picture of really quite a vulnerable population, but a vulnerable population which is, particularly at the persistent end, significantly reducing the frequency of offending during this period.

Q21 Mr Hanson: I would add seriousness to that as well. You can reduce the frequency of offending, but if you are having one offence that is more serious than a lot of minor offences it is more important.

Professor Sir Anthony Bottoms: But there is not any evidence of that either. The reduction of frequency is not counterbalanced by an increase in seriousness.

Dr Chitsabesan: Thinking about serious offences and neuro-disability, there is evidence that particular neurodevelopmental disorders, such as ADHD and TBI, are more likely to be associated with more violent and persistent offending. Certain disorders we know tend to elevate that kind of risk and the risk of repeat offending as well. Relating to ADHD and thinking about rehabilitation in sentencing, a very large Swedish population study a few years ago showed that ADHD treatment in adult offenders reduced reoffending rates by about 37%. Potentially focusing on different packages of care can have quite significant differences around reoffending and needs. That is probably just something to emphasise.

Q22 Marie Rimmer: Professor Bottoms, the young attendance centres have been in existence since 1948. They were originally for up to 21-year-olds and they have been extended to 24 to 25-year-olds, but the Ministry of Justice is not aware of any studies that assess their effectiveness. Are you aware of any, and what are your views of the institutions if you are?

Professor Sir Anthony Bottoms: Yes, I am, but it is ages since I read it. There is a study by George Mair, now of Liverpool John Moores University, in the 1990s, studying senior attendance centres—that is attendance centres for people aged over 18. Originally there were only two of them. I am absolutely not an expert on this, but there were only two of them until about the last decade. They have now been increased in number, and they have also been extended, in the 2003 Act, to the age of 25. I have not studied them. If you look at the Transition to Adulthood Alliance evidence to this Committee, you will see that they say that they are not very widely used and the evidence from them is patchy. I am certainly not aware of any systematic research evidence from them. In general, I would comment that at any rate old-style attendance centres were basically just going for a limited period and doing some activities such as carpentry or something like that.

However, bearing in mind what we have learned from the Sheffield desistance study, I could see a real use for a different kind of centre, because if people really want to desist they have a whole bucket-load of problems, and so a readily available day centre in the middle of a town, where resources were available to help them when they hit practical problems and things, when the probation service was not able to help them, could be very valuable. As several of your witnesses suggest, including the Royal College, there is plenty of evidence that the lives of these young people are often quite chaotic and change from day to day. They are facing a multitude of practical problems, and to sort out those practical problems there is a real possibility of looking at some kind of centre that would help with that.

Marie Rimmer: A sentence with a structure, a purpose and personal to that individual's needs is more required.

Professor Sir Anthony Bottoms: Yes.

Q23 Marie Rimmer: Thank you for that. Youth custody has been in flux for a number of years, and there have been some really bad inspections. At the moment young people are scattered around in young offenders institutions; some are even in adult prisons. What is the case for retaining specialist custodial establishments for young adults, if there is one?

Professor Sir Anthony Bottoms: I know there is a debate about this. Possibly the issue turns on whether you are more interested in short-term or long-term questions. The argument against specialist facilities for young adults is primarily that young adults, as we have heard, are quite volatile and can be impulsive, so managing a young offenders institution where there are only young adult offenders in them can be difficult. On the other hand, it can be achieved. I am told that, for example, Brinsford had a very bad inspection report but has now turned itself round to the satisfaction of the Inspector of Prisons. If you like, that is the short-term potential problem. I am not an expert on this, but I would think that with good management it is manageable. For me, the real issue is that, if you mix young adult offenders with adult offenders, you are less likely to put in place the specialist facilities and support with real understanding of this age group that you are going to need in order to assist the desistance process to the greatest possible extent.

Q24 Marie Rimmer: The evidence is that young adults in prisons tend to spend much more time within themselves and do not get the attention or education. Is that right in your opinion?

Professor Sir Anthony Bottoms: I don't know.

Q25 Marie Rimmer: Do you think they should be detained in a young offenders institution?

Professor Sir Anthony Bottoms: As I was saying, the case for that is that you are more likely to get long-term benefits if you can manage the potential short-term difficulty of managing a definitely vulnerable population. The evidence is that that can be done. If you can do that, you are much more likely to have the specialist support available which will produce a long-term benefit.

Q26 Marie Rimmer: Do you think the long-term benefits would be more achievable if there were smaller custodial units rather than larger prison ones?

Professor Sir Anthony Bottoms: In a word, yes.

Q27 Marie Rimmer: I was the chair of one and we had a wonderful educational block—a secure education block—for £7 million. Then we did not get the Youth Justice Board contract and that was knocked down, but that did achieve something. Do you think that would be better?

Dr Delmage: There is lots of nodding. We are sympathetic to that view. The localisation issue is a real problem as well for children who are placed far away from their families. It makes rehabilitation so much more difficult.

Q28 Philip Davies: I have a quick question about maturity, just to be clear what you are actually saying. In the Sentencing Guidelines Council for sentencing youths, it makes it clear that the maturity of the offender is at least as important as the chronological age when sentencing and that the relevant consideration should be the age of the offender, chronological and emotional. I am just trying to be clear. Are you saying that this should be

applied at a higher age in the criminal justice system, or are you saying that even though this is in the sentencing guidelines it is not actually happening?

Dr Hughes: It is what we do with that guidance. It is framed in there—you will correct me if I am wrong—as being a mitigating factor. The concern is that it does not just become something that means less of a sentence than they would have got otherwise, if that sentence is not appropriate to the maturity of the young adult. It is not about seeing it as mitigation where you might take, say, a 25% reduction in the tariff but then still deliver the same adult-focused approach. The guidance is helpful; we just need to be clear about how it is being used and how it is being applied.

Q29 Philip Davies: In that situation, where does the seriousness of the offence come into your view as to how the courts should deal with it? If you are only looking at the emotional maturity of the offender, it strikes me that what you are therefore not looking at is the seriousness of the offence. I guess my question would be: where, in effect, would society be allowed to say, “Hold on a minute—this sentence is so serious, or in relation to something like knife crime this is such a big blight on our society, that irrespective of the maturity of the offender we have to do something”? Where does that aspect of it fit in in your—

Dr Chitsabesan: I wonder whether the focus is not just about the sentence but on rehabilitation—whether that is a custodial or community sentence. A custodial sentence that is just about incarceration and containment is not going to change outcomes for that young person, families, the public or even expenditure, because they are likely to repeat offending on release. It is not that they should not be sentenced, and sometimes that will mean a custodial sentence, but it is about a larger focus on rehabilitation as part of that sentence.

Dr Hughes: It is about placing the notion of desistance and maturation at the centre of how you are working with that young adult. In the same way that in youth justice we have prevention as the primary focus, that does not stop people going to custodial institutions. It is just the emphasis on how that person is engaged around preventing future offending, as opposed to punishment.

Professor Sir Anthony Bottoms: We need to distinguish the sentence that is passed in the court from what happens after the sentence is passed. Certainly, it is relevant for the court to consider maturity assessments, and I would fully support what is being said about that. On the other hand, as you quite rightly say, of course courts have to consider both the seriousness of the offence and the previous record of the offender. The court has to make a balanced judgment of the offence, the previous offending and the evidence we have about the individual circumstances, including the maturity of the young adult offender. Then, later, issues about maturity need to be brought in, particularly as to how those sentences are developed.

Because we know that desistance is a gradual process for persistent offenders, this is not a big surprise, if you think about it. If most of your friends are offenders, you have perhaps been on drugs and your default position when you need money is to go and commit a crime, you are not going to change that overnight. When people desist, the evidence is very clear from our study and other studies that people desist by gradually slowing down the frequency of their offending. I am planning to write an article on this but I have not done it yet. It seems to me that, if there is serious evidence of desistance, the courts need

to take that into account because, otherwise, what you are doing is saying, “Here is another offence,” so we are adding a recidivist premium because he has reoffended. Yes, he has reoffended, but he has reoffended while on a downward trajectory, and the courts need to take account of that.

Q30 Philip Davies: Finally on that point—it is a very interesting principle—if there is a victim of a burglary by somebody who is a habitual burglar, do you think it is a difficult sell to the public and to that particular victim of crime to say, “The courts are going to treat this person very sympathetically because this month they have only committed 10 burglaries, whereas last month they committed 33 burglaries”? Do you not think that might be considered an unacceptable sell to the British public?

Professor Sir Anthony Bottoms: I did not say the courts were going to treat them very sympathetically. If I may come back at you on that, I said that the courts would need to think carefully about whether it is appropriate to add an additional punishment as the recidivist premium when they are reoffending, as it were, as part of a downward trajectory. It is a policy question and it is ultimately for Parliament.

Dr Delmage: The public have been quite supportive of the restorative justice approaches, which may avoid sentencing options, I guess. Those kinds of approaches have been met sympathetically.

Coming back to the point about maturity, it is obviously a multifaceted thing and there are various aspects to look at. At a lower level of crime, we know that in 2007-08 almost one in four young people who were given custodial sentences were given them on the basis that they breached statutory orders. Better people than me have speculated that the reason so many young people have breached those orders is that they simply did not understand the conditions that were laid in place for them. If you have the right person assessing the level of developmental maturity, if they can provide the courts with something very useful and very instructive in how to proceed with that individual, it becomes a much more tailor-made approach to managing them.

Q31 Chair: We are slightly against the clock, with the times of the House.

Finally, ladies and gentlemen—I am very grateful to you for everything—you have highlighted some areas where you think change should happen. You have talked about the issue of not mixing young offenders with adults and that smaller-size units are desirable. Dr Chitsabesan, you have talked about the follow-up and so on. Perhaps we can write to you about some of the details of the Royal College’s proposals. Are there any other fundamental changes, drawing together the evidence, which should be considered to the system—either pre-court, in-court disposals or subsequently?

Professor Sir Anthony Bottoms: I would just add one which we have highlighted in our evidence, and that relates to the issue of the relationship between rehabilitation and desistance. A lot of rehabilitation programmes—there is discussion of these in the evidence from the British Psychological Society—are cognitive behavioural and similar programmes. The evidence is that they work, but if you look at the BPS evidence they also say things such as that they work particularly with well motivated people, and so on. There has, unfortunately, been a bit of a tendency, for managerial reasons, to say, “Lots of people have to go on programmes. We have to have so many programmes this month,”

and that kind of thing. You do need to target the programmes sensitively to the individual. The evidence of the desistance studies is that most offenders, even persistent offenders, want to change. So if you can apply these kinds of programmes—changing cognitive skills, anger management, that kind of thing—to someone who understands that they may need to change in those ways, you are much more likely to get success than if you just dump them out as programmes to be applied to everyone.

There has been, in my view, a very unfortunate tendency for there to be a bit of a fight between desistance scholars and rehabilitation scholars. The evidence, in my view, is that the two are actually complementary. Perhaps a really good way of thinking about this is what a Canadian scholar said, who used to be very much in the cognitive behavioural camp but then was interested in the desistance evidence. He said, “Let’s talk about assisted desistance.” Basically, people want to change; let’s help them.

Dr Chitsabesan: The only thing I would re-emphasise is the benefits for health assessment tool. We have seen that introduced into the youth justice system and any intervention has to be adapted. At the moment we are providing a lot of generic interventions that are not as effective because they are not adapted to a learning or language problem or a head injury. We have some really effective pathways now for young people with head injuries as well, based on initial screening and identification. There is a really good project by the Disabilities Foundation in HMP Leeds. There are interventions there that we need to identify for those young adults.

Dr Delmage: I would echo that sentiment. It might sound like a slightly glib statement, but I would just underline the importance of multi-agency working. We have a real problem with young people being released from prisons and young offenders institutions in terms of community follow-up. We are losing a lot of these children and the result is that they reoffend within six months or 12 months. The rates are enormously high. That process needs to improve markedly.

Dr Hughes: I would echo the point about assessment, maturity and neuro-disability, and, as I mentioned before, this notion about relationship-based practice with young adults. Both those things, for me, suggest that we need to be training people up to take specialist roles within probation services geared towards working with young adults.

Chair: Thank you very much. We are very grateful to all of you for your evidence, ladies and gentlemen. If we need any further follow-up, we will contact you. Thank you for your time; it is much appreciated.

Examination of Witnesses

Witnesses: **Poppy Harrison**, Youth Justice Board, **Hannah Doughty**, Association of Youth Offending Team Managers, and **Colin Allars**, National Probation Service, gave evidence.

Q32 Chair: Thank you very much, ladies and gentlemen, for coming along and giving evidence to us. Would you like to introduce yourselves before we go into the questions? You have heard the format, having been sitting in during the previous session, so that will perhaps sharpen things up a bit.

Colin Allars: I am Colin Allars. I am the director of the National Probation Service and responsible for the National Probation Service within England.

Poppy Harrison: I am Poppy Harrison and I am head of placements and safeguarding at the Youth Justice Board.

Hannah Doughty: I am Hannah Doughty and I am a member of the Association of YOT Managers.

Q33 Chair: Thank you. You have heard a good deal of the discussion we had earlier about maturity and where young adults sit within that continuum between young offenders and adult offenders. Is that something you are conscious of as a concept within the work of your respective organisations and how easy, for example, is it to be understood by probation practitioners? Is a distinction drawn between those things and maturity itself? How do each of you deal with that within your organisations?

Colin Allars: From a probation point of view, the concept of maturity certainly is understood. In preparation for coming here today, I made a point of talking to a number of front-line staff, just to ask, “What does this mean for you? What is your thinking?” The immediate response was, “Yes, well understood. We have read the research; we have seen the guidance; we understand that there is a difference between physical maturity and maturity in terms of impact on criminality.” So it is well understood. We are seeking to work increasingly with partners. Hopefully, that will become evident in the evidence we collectively give. Certainly, from a National Probation Service point of view, we are putting in place measures now to strengthen, we hope, the service that we can give and the expertise that we can bring into that partnership at local level.

Poppy Harrison: If I can try to unpick the question so that I make sure I answer it, in the youth justice system we are very conscious of issues around maturity. We are also very conscious of the transition point between the youth justice system and the adult justice system, recognising that that is not only happening within a criminal justice context but in all sorts of other services. We are also trying to maintain, which is probably a bit of a challenge, the protected services that exist for children in the youth justice system.

Q34 Chair: Is the transition point, incidentally, the right one, do you think?

Poppy Harrison: You mentioned earlier that there is an artificial line. I wonder whether there would always be an artificial line wherever you put it; so I am not sure that I can give you a distinct answer. But what I would say is that at the point of transition we want to make sure that information gets shared to ensure that the particular needs and risks that children have are transferred over when they are managed in the probation service later.

Hannah Doughty: From a youth offending team perspective, I would say that there are a lot of assessments around maturity levels from the time that young people come in to see us until the time they leave. There are also a large number of young people, if it is felt that they are not mature, that youth offending teams will continue to work with past that transition point to make sure that all that information is transferred over to the National Probation Service or the CRCs to ensure that they are taken account of.

Chair: Ms Rimmer, would you like to come in on screening and assessment at the beginning of the process?

Q35 Marie Rimmer: Are probation assessments really fit for purpose in taking into account desistance literature, maturity and neuro-disabilities?

Hannah Doughty: I can only really speak about youth offending and risk assessments. We take into account and look at children's mental and emotional health, and we would put all that information within assessments. That would be clearly marked. Those assessments would be passed over to the probation service to ensure that probation workers had all the information that was collated while people were youths.

Q36 Marie Rimmer: Can any of you comment on neuro-disabilities and the fitness for purpose of the probation service now?

Colin Allars: I would not claim to be an expert. Certainly, all the information that comes together forms part of, effectively, the bundle that the probation officer has at the point when he or she puts together advice to the court in that particular part of the process. They will identify any particular characteristics or issues that have been raised there, which would include advice from health professionals and so on or from other colleagues in the system.

Poppy Harrison: It might be worth mentioning, and you may well be aware, that the current assessment framework for children in the criminal justice system has been redesigned and we are in the process of rolling out AssetPlus, which is the new assessment framework. We are obviously at a stage where it is too early to say whether this is the panacea that we perhaps hope it will be and whether there are lessons that can be carried over, but we can say that there are two issues. One is that neuro-disability is something that is specifically built into that assessment framework. It previously did not exist within the old assessment framework, but it is something that will be available for those who transition into the adult justice system in the future.

The other point is that in the old assessment framework for children there was a very clear scoring mechanism, which was about risk of reoffending. That had a tendency to impact on assessments around children's broader needs that were not linked to reoffending. The new assessment framework takes away that scoring so that you are looking at need and reoffending as being different, although very closely linked, issues. That should also help in terms of the transition into adult services, we hope.

Q37 Marie Rimmer: What could the National Offender Management Service learn from the Lord Harris review, and will that be considered by yourselves?

Colin Allars: The recommendations from Lord Harris's review are being looked at alongside the review that has been done of the youth offending estate. That is still actively under consideration. I do not know where that will get to. The MOJ has made clear that it is still considering that and will publish its findings in due course. There clearly are issues within there in terms of vulnerability and so on that we do need to learn from and ensure that we take forward, but it is still actively under consideration. I do not know what the final outcome will be.

Hannah Doughty: I wonder, as well, if there are some lessons to be learned from youth offending teams and the multi-agency nature of them. The fact is that you have a lot of people putting information within assessments; you have somebody co-ordinating that

case, so if you have things like mental health services that information is going through. There is probably greater access to mental health services within most YOTs; it is different nationally, depending on the relationships and how that works. There is an issue about how to engage young people, because the mental health service is voluntary—you cannot force them to go, and that is always an issue. There are possibly things to be learned about the assessment of vulnerabilities. Youth offending teams are very good at looking at wider vulnerabilities and exactly what has happened to that young person, and why they have reached the point that they have come into that system.

I would like to go back to whether the transition point is correct. That is dependent on the young people, and there is a hole there between those 18 to 21-year-olds and which service they perhaps should see.

Q38 Marie Rimmer: Which aspects of the youth justice approach to the assessment and management of vulnerabilities could be adopted by probation services for young adults?

Hannah Doughty: It is very much about the assessment and looking at how you would risk that—what factors are positive factors that you build on and the ones that are negative. The thing about youth justice is that with those complex cases—the very vulnerable young people—because there are lower caseloads within youth justice, there is more time spent with those young people. That is possibly why they are more successful and we have reduced reoffending.

Q39 Dr Huq: Youth does seem like an elastic category. Is it when you pay tax? Is it when you pay half fare on the bus? Is it age of consent? It is an NPS question, really. Probation practitioners seem to be inconsistent in applying different approaches to young adults and different measures of different age ranges. How would you define young adulthood?

Colin Allars: We obviously work within the frameworks that are there at the moment, in that the age cut-off is the starting point. What you set out is absolutely fair in that in the past there have been differential approaches. Up until the current arrangements, up until about two years ago, probation support to youth offending teams came from the 35 probation trusts; they were arm's length, non-departmental bodies. When you look at the way that they operated, the support—be that through financial assistance or through expertise—was highly variable. The relationships at local level did vary. They were normally built on local working relationships, but they did vary. Now, with the National Probation Service, we have an opportunity to look at best practice and, through that, to try and ensure that we have some continuity of provision from across the—

Dr Huq: So what numerical age—

Colin Allars: We are working on 18 being the current cut-off point, but, just to complete the point about the NPS, at the moment we have just made some proposals to our staff, and we are working with our partners on this. We will second people for a three-year period; we will build in some expertise and some continuity there, and we can train those people accordingly. In future, we will be looking for people who have been to the youth offending teams and moved back into mainstream probation so that expertise comes back into mainstream probation. So it is a properly managed flow of expertise that goes into those.

Dr Huq: It is zero to 18 now.

Colin Allars: Yes.

Q40 Dr Huq: What about the other two bodies? Do you have a definition?

Poppy Harrison: To continue on from Hannah's point, the law in lots of different areas, whether it is in relation to looked-after children, the justice system or sentencing arrangements, points to lots of different ages as being the age of young adulthood or childhood. There are certain services there that services and professionals need to take advantage of to make sure that those people with those needs get what they need. The point, really, is about moving away from the focus of a defined age but looking at the flexibility that exists within the law. We have those confines that say that up to the age of 24 you are entitled to leaving care services if you are in full-time education, but in the justice system, for example, the youth justice system covers up to the age of 18 and there is nothing to stop a youth offending team continuing to supervise or to manage cases beyond the age of 18, if that is deemed to be the most appropriate thing for that particular individual. It is about empowering professionals to be able to make those judgments and to manage the cases within the full framework that exists for them, if that makes sense.

Hannah Doughty: There are also resource implications, though, with some of this. There are in-year cuts coming already to youth offending teams, we know. Some people have had no probation staff seconded when it was the probation trust. They are looking at that, but there is likely to be a cut in probation staff seconded. The youth offending teams would say that three years is a very short period for a secondment when you look at the training that is needed for those staff around learning things about young people and children, working with young sex offenders, that kind of thing. We would be looking to encourage the probation service to extend that and look at that to be a longer term, perhaps four or five years.

Q41 Dr Huq: On the maturity discussion we were having in the last session, which you all heard, the MOJ T2A guidance says that taking account of maturity is supposed to be used by the probation service. How is that working out, and how has NOMS sought to encourage or enable the probation service in applying this guidance?

Colin Allars: We have certainly gone to some lengths to ensure that there is awareness of maturity issues. We have explained that to our staff; we discuss it with our staff. We have set out clearly, within our commissioning framework, the sort of expectations that we have, and that draws on best practice in terms of the needs of younger offenders; so, again, we are reinforcing that.

The T2A portal, which I think you are talking to, is a relatively new IT process that ensures that the information held by all the agencies working with young offenders becomes available at the point of transition into the adult system. In the past, at its worst, it could be a bundle of papers that appeared on somebody's desk. I am deliberately characterising, but it is not particularly structured and actually quite difficult at that point to put it all together and make some sense of it, potentially with information missing. We have now put in place a clear structure and a portal that provides for that. That is now in place and it is working. I would not say it is working perfectly everywhere. We all have more work to do to make sure that the information goes in properly, but it is a system that

we all work to and we have all contributed to making it work. It is absolutely the way that we ensure that that comes through. Since July this year it has become operative. That is the date I have in my mind. Since July this year, that has been in place more or less across the country. There are just a small number of sites to roll it out to.

Q42 Dr Huq: What do you make of the apparent evidence that psychosocial maturity of young adult males is slower to develop than in females? In the last session Victoria asked about that as well. Do you have a comment on that and whether, in fact, maturity is a useful concept at all in your work?

Poppy Harrison: Maturity is a useful concept, and it is something that practitioners can understand. I am looking for nods, but it is helpful. In terms of the T2A taking account of maturity guides, which were developed to be used with the adult probation assessment framework, we have done work to make sure that the principles behind that and the work that was done by the University of Birmingham have been embedded into the guidance for the new youth justice assessment framework so that you are carrying those same concepts through the assessment process. It is about being able to articulate what maturity means to courts, for example, so that they can understand how that will impact on whatever sentence is given down.

Hannah Doughty: What practitioners would look at is maturity and level of understanding. It is very much about what the young person's understanding is of what they are doing and the consequences, or the wider issues. Young males and young females come with different issues. They are very different to work with as a practitioner; they also need different services. For young females, there are a lot of specialist services now within the National Probation Service, but also within youth offending services. There are a lot of welfare needs of young females. There is a lot of self-harm and lots of different issues. Young males will walk around with lots of peers and probably do mature more slowly, I would say in my experience.

Q43 Victoria Prentis: You have told us that the portal is going to be the solution to transferring information, and we very much hope that that is the case. The other point that has been picked up as being a real problem for people transferring is the change in the importance of contact with their family. Can you comment on that?

Colin Allars: On the portal, it is very easy to hide behind, "We have a new portal and that solves everything." Actually, it will be about the way people work—that is the key thing—and the portal is just a tool that they use to make sure the information gets there. The key thing is a recognition that we all need to work together. That is something that is manifestly different as a result of the way we have been working recently. I feel that we are in a much stronger place on the back of that.

The transition from youth to adult raises real challenges, not just for the offender but for their families. It is a significant change in the level of support and attention, for want of a better word, that that offender will feel and receive as they move on. From a National Offender Management Service point of view, we have sought to ensure that we plan for that as well as we are able to. We have worked up a protocol with partners on what the transition for that point ought to be. Six months in advance we will sit down and work out what is going to happen and who is going to pick it up, and then review that three months before and so on. There are clear protocols there.

We will seek to ensure that everybody is clear at what point they let go and at what point the next person picks up, and that the offender has been introduced to the new person who is going to be working with them for the future.

There is a step change in terms of the level of interaction and so on; that is absolutely the case. It is incumbent on all of us to seek to ensure that we do what we can. The frequency of meetings with their probation officer and so on, following the transition, probably starts at a higher level and then drops off; it is not just a sudden drop-off. If they are involved in some sort of programme of work, there is continuity through that date. We are still talking to them about their employment or their housing or whatever. It is difficult; it is a challenge. A handover of any case management from one organisation to another, which is essentially what we are talking about here, is tricky. Collectively, we have tried really hard to make sure that we get that right, that the information is there and it is planned for and so on, but it is a challenge.

Poppy Harrison: You mentioned family contact. Did you mean about custody or community—

Victoria Prentis: No; I meant young offenders' contact with their families. There is a very different attitude between under-18s and over-18s.

Poppy Harrison: Yes, absolutely.

Victoria Prentis: Is there anything we can do to ease that transition, and would that be helpful in rehabilitating them generally?

Poppy Harrison: Colin has probably covered most of that. In terms of understanding whether the Y2A portal helps to deliver that, breach was mentioned as being a significant issue for children in the last session. It is mostly anecdotal evidence, but there has been some work that has looked at the levels of breach for people who have transitioned from the youth justice system being higher than for those who have come fresh, perhaps, as adults because of the difference in the approach to youth justice and delivering those services to over-18s. The evidence from the portal will tell us whether there has been an impact on levels of breach, so we will be able to see for those who have transitioned what the breach rates are like afterwards, we hope, to see whether those improvements are seen.

Hannah Doughty: There has been development in engaging families from probation workers, because the families are a major point of contact for youth offending teams. They are fully involved in all the planning of everything that is done, because the young person is living with them. Young people will say that sometimes it is like dropping off a cliff, the transition point, because it just feels like that level of support has gone.

There are a lot of transition protocols that are very good and a lot of very good transition arrangements. We have very good arrangements. I work as head of service in Liverpool and we have some very good arrangements there, but there are other areas where it is not as good. We would look at jointly managing those young people for at least six to eight months, depending on their level of need, so they would have an offender manager from probation or the CRC, as well as from the YOT, but other areas do not always have those kinds of arrangements. There are difficulties now, probably because of Transforming Rehabilitation and the difference between CRCs, because most of those youth offending

team young people will go to CRCs. They will not be high risk or hit the other categories to sit with the National Probation Service. There is an issue around that, I understand, from other YOTs.

Colin Allars: On that particular point though, we have put together a protocol which will set out very clearly what the expectations are of each of the agencies. My understanding is that it is in place and working within Wales. Within England—

Victoria Prentis: This is the protocol.

Colin Allars: Yes—the protocol of how we are working together. In England, the National Probation Service—it will be my six deputy directors—are ready to sign up to that, and I think other parties are. It is at the moment with the CRCs to secure their sign-up to it as well, so that we are very clear across the whole system, so far as we are able to be within a system which is delivered by various organisations, about what the expectations are. Within that, that ought to provide the foundation to build what you have just described, because what you are describing is best practice and that is absolutely what we should be looking for.

Q44 Victoria Prentis: Are you planning on assessing this after a period of time?

Colin Allars: Yes, of course.

Victoria Prentis: We would love to know.

Q45 Chair: Do you know when that is likely to be?

Colin Allars: No. I can come back to you on that.

Chair: If you could.

Victoria Prentis: Both the portal and the protocol, and the way it is working, would be really interesting. Thank you.

Chair: That would be very helpful; thank you.

Q46 John Howell: I am interested in those over-18s who are retained by the youth offending service. Can you give an indication of the percentage of over-18s who are still being retained by them?

Hannah Doughty: I asked, within the existing board members of the Association of YOT Managers, if they could give me what their numbers were. They ranged from one area that had none that they kept—because the probation member of staff who was seconded in had those young people and they were classed as probation people—up to about 30%. Within my YOT it is about 17%, and so they varied between that period. Most will be kept because of vulnerability factors. There will be concerns about that young person—they may be looked after; they may be extremely vulnerable—going into an area where they are sitting with adults, that kind of thing. There are other issues around detention and training orders. Sometimes, if you get a two-year detention and training order—you can get those at 18—you could have young people who sit with you at 19 to 20. Again,

sometimes that cannot be healthy for the youth offending service when they are sitting in a room with 12-year-olds, so there are issues around that.

Q47 John Howell: Thanks for that. I just have one further follow-up on that, and that is about the relationship between the youth offending teams and probation, which we have already touched on. What are the benefits of a close relationship between the two in handing people over?

Hannah Doughty: There are some really good relationships, depending on areas. Ours is extremely good. We have really good probation officers seconded; we have a lot of joint working with probation staff; we have joint training events. The probation people will sit on our YOT management board. There are some really good benefits about that partnership working and looking at pooling resources.

John Howell: I mean more the benefits for the individual rather than for your organisations.

Hannah Doughty: For the young people.

John Howell: Yes.

Hannah Doughty: It is because they get a more seamless service. What they will get is somebody who transitions across. Now we will try and allocate those young people who are at the point of transition to the probation staff who are sitting in the youth offending team, who will then have more experience to be able to share with them what it is going to be like when they move to probation and to make that an easier journey for them.

Q48 Andy McDonald: Do you think there is a sufficient awareness among the sentencers about neuro-disability and brain injury and mental illness, and how are the sentencers distinguishing these various issues when they come to pass their sentences? Can you express a view about the degree of awareness of these various issues?

Poppy Harrison: I am going to declare now that I do not think I can, I am afraid.

Colin Allars: I think I will struggle as well. To the extent that it is drawn to their attention through the reports that we provide to court, certainly it is taken into account. If a pre-sentence report sets that out or includes that sort of information, my experience is that it happens. Going wider than that, it is a question that would need to be addressed to sentencers rather than a practitioner.

Q49 Andy McDonald: Can you tell me about the proportion of cases that currently receive a pre-sentencing report? Do you know what that might look like?

Colin Allars: I don't, off the top of my head. Within this age group I would expect almost all of them to receive a pre-sentence report.

Andy McDonald: All.

Colin Allars: Almost all. There is always a case where somebody will be called before the sentencer without a report, and occasionally that does happen. It is unusual in this particular age group. In my experience it is very unusual. Normally they would look for professional reports in advance.

Chair: I am sure we can probably get statistics.

Colin Allars: It is one of those things where I hesitate to say never, because it may well happen, but it would be really small in number.

Q50 Chair: If somebody could double-check, we would be grateful.

I have a short point before we move on to governance issues. One of the recommendations you sometimes get is for an attendance centre order. How effective are attendance centres?

Colin Allars: I guess you need to look to me for that, probably, in the first instance. Up until a year or so ago I was responsible for them, so it is probably better for me to answer that. I think they vary. They vary very much on the basis of the officer in charge and the staff who work there. Where they are good is in the way that Professor Bottoms was talking about, in terms of providing structure, challenge, interaction and so on. In all the sorts of things that lead towards desistance, they work very well. There undoubtedly have been some where they have been less proactive in really working with the offenders who go there. We have transferred them to the CRCs as part of the transfer of that work, because it would tend to be that cohort of offenders that would be there. To the best of my knowledge, none of them has yet made major changes to what was in place, but I would be surprised over time if there were not a re-look at some of the less effective ones. They have some real potential to provide a real structure. They tend to be a Saturday morning or whatever. It is something at the weekend for people who are working during the week to go along into a structured environment, to interact with others, to learn and to be challenged, but there are quite a number that certainly are not there at the moment.

Q51 Chair: Is that the basis on which probation officers tend to recommend them, or not?

Poppy Harrison: In terms of the youth justice system, we now have the junior attendance centres that have been moved over from probation into our world. There is going to be a review of how effective they are in supporting young people, so it may be that we can provide you with some additional evidence. You have already heard that there have not been any research-based—

Q52 Chair: Do you have a timetable for that review?

Poppy Harrison: I do not, but I will find out.

Chair: If you could, that would be very helpful.

Q53 Mr Hanson: We have kicked around a lot about the relationship between the three organisations, and I accept that there are different pressures now and different organisational structures. Would you say as a whole that the relationships, from your assessment of the three parties, are good? If there are suggestions for improvement in the relationships as they are now, what would they be for each of you?

Colin Allars: They are good; that is certainly my perception. We work very well together. We are absolutely focused on the same goals in what is right for the offender and the long-term impact of our intervention. We have all faced the challenge of budgets being squeezed and so on and having to prioritise work. Certainly, from the probation point of view, we have faced over the last two years a major internal restructuring and

reorganisation, which has been a real focus in how you continue with day-to-day delivery of probation work.

If I look back, probably we have not invested quite as much in this area of work as maybe we might have done in more normal times. That said, we have still been at the table; we have still been working very closely together; we have certainly made some real progress on some key things. The portal is one of those; the protocol and how we work together is another one of those. Our thinking about how we might strengthen our provision—that does not necessarily mean put more in, but how we might strengthen the impact of our provision—is another part of that. We still have to have a discussion as to what that looks like, but we have made a proposition. It is quite good.

Poppy Harrison: I agree with Colin that relationships are generally good. It is probably worth emphasising the point that the local nature of the delivery of services means that we can only make quite general statements about that and there will be pockets of good and bad practice. Certainly, we introduced the transitions framework in 2012 jointly with NOMS, and the appetite from practitioners and from services was massive in terms of the interest to work together on this. We have seen some really good examples of that happening on the ground and having an impact on the experience that people have going through the system. The very nature of the fact that there is a youth justice system and an adult justice system, which is for many reasons, means that there will always be a point of transition. That always has an inherent amount of risk within it. We are all very conscious of that. It needs to be kept on the agenda; that is the key thing.

Hannah Doughty: The relationships have been good; they have developed and they have become very good. As we move on, there is a competing nature about some of the resource implications, some of the cuts that are coming through and what people can provide to each other. I hope that that does not hamper some of the relationships, because I think it could.

Q54 Mr Hanson: We have touched on the cut-over points as being the crucial area. We have had a number of pieces of evidence, and you have touched on it yourself today, about whether or not we extend the role of the Youth Justice Board to a higher age, for example, whether we formalise this change-over that you have talked about with YOTs going in on an ad hoc basis following some people through, and whether we formalise that to a longer period. I realise these are policy issues and maybe ones you do not want to comment on now, but, in broad terms, is there value in looking at a Youth Justice Board with a wider remit to an older age, allowing YOTs to have a wider remit to an older age, or having a third body which incorporates the two but links that crossover period? Is there any value in that? We have also had evidence from the Dutch, who are now treating people up to the age of 23 as juveniles. It is just for our assessment, really. Is there value in that, or not, in your assessment now?

Hannah Doughty: There is great value in that. YOTs could quite easily work with up to 21-year-olds and hopefully reduce reoffending, as they have done in the younger ones; so I would encourage that.

Poppy Harrison: You are right in saying it is a policy question. I know that my chair and my chief executive have offered to come and give evidence on this issue if it would be helpful. We believe in a distinct youth justice system, and it goes back to what I

mentioned at the beginning about the protections that are in place specifically for children and wanting to make sure that they can be used to their greatest advantage. We also think that there needs to be something distinct for young adults. The question about whether it should be the Youth Justice Board or somebody else is one that I think is for Ministers.

Q55 Mr Hanson: I suppose the question that links back to the previous session as well is: are you a mature 22-year-old or an immature 22-year-old, and are there development issues? Do they demand a youth-based service or do they demand an adult intervention? It is whether we have a generic 22 to 23 cut-off point, with various partners working together, or whether we look at the individual but allow that flexibility for other services.

Poppy Harrison: Yes, flexibility is important.

Colin Allars: As a policy point, I should not give a view on what the right solution might be. We have tried to ensure that in the early years, post-transition, the interventions we put in place support what has been started before. As things sit at the moment, that is the key thing we need to get right so that they do not just drop off a cliff, to use Hannah's term, but there is continuity and we are putting in place the right sort of support and interventions that support that transition. Then there is a question mark; at what point does that transition take place? I do not know what the answer to that might be.

Q56 Chair: Thank you very much. There are a number of policy issues that we want to explore, and I will put those to either the chief executives or the Minister when they come along.

The final thing I was going to ask, to wrap things up, is this. Professionally you are using your judgments. Should we have a distinct strategy for young adults? If so, what are the benefits, what are the arguments for it and what would you want to see in it, in headline terms anyway?

Poppy Harrison: I think, yes, there should be a distinct strategy for young adults. In terms of what it ought to contain, the key issues that we see again and again, regardless of where it is—you have heard that there is the evidence about the science behind it—are that it has to be about the sharing of information from a broad range of sources. It has to be about a strong relationship with practitioners and having a workforce that is able and feels that it wants to work with that age group, and has the skills to do so. It is about understanding the scientific aspect of it as well and how the desistance points can be supported.

Hannah Doughty: I would say, yes. We know that the brain does not develop until later now. We have that evidence. You need to look at maturity levels; you need to look at those vulnerabilities and look at them wider. Most of these young people come from very deprived areas, with very difficult chaotic backgrounds. I also think you need to look at the multi-agency way of working with them and the inclusion of families and those people close to them. Workers are experienced in dealing with difficult young people.

Colin Allars: There is value in recognising that this is a distinct group, which would point to the answer being yes. It needs to be evidence-based and drawing some of that out, but there is not a full suite of evidence and that is the reality of it, so we are making the best of what we have. I was struck by Professor Bottoms's closing comments to you in terms of targeting, rather than everybody gets everything. That really struck a chord with me,

because there is a risk if you go for something that just deals with this group that you imagine everybody is the same. Actually, everybody is an individual and proper targeting is really, really important.

Again, I was just going to draw on the point in terms of integration. Critical to this is that all the agencies working together do so in a constructive, collaborative way but recognising that it is not just us sitting at this table who do it—it is wider society. It is local authorities; it is health; it is very much wider—it is schools and so on. You talked a bit about the early years stuff. Fitting all that together is what will make a real difference.

Chair: Thank you very much for your time and for giving evidence to us; it is very much appreciated. We have some areas to follow up. If there are any others, we will write to you. Thank you very much for your help on the inquiry.