



Justice Committee

Oral evidence: The treatment of young adults in the criminal justice system, HC 397

Tuesday 26 April 2016

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Written evidence from witnesses:

- [Ministry of Justice](#)
- [Barrow Cadbury Trust/T2A](#)
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Members present: Robert Neill MP (Chair); Richard Arkless MP; Alex Chalk MP; David Hanson MP; John Howell MP; Dr Rupa Huq MP; Victoria Prentis MP; and Marie Rimmer MP.

Questions 416 – 490

Witnesses: **Andrew Selous MP**, Parliamentary Under-Secretary of State, Minister for Prisons, Probation and Rehabilitation, Ministry of Justice, and **Michael Spurr**, Chief Executive, National Offender Management Service, gave evidence.

Q416 Chair: Good morning, Minister and Mr Spurr. We will commence the evidence session. Thank you very much for coming and for your time. I know that you are time limited, because it is a busy day.

Andrew Selous: It is a busy day for all of us.

Chair: You are absolutely right. Let me start with this. Throughout our inquiry we have had a great deal of evidence that says that we know a lot more about maturity in young offenders than we did before. There is a lot that suggests that the trite characterisations that we had in the past, either by age or by other matters, do not fit the bill when it comes to the way in which any custodial services agency deals with young offenders. What is your take on that as the Minister and, in Mr Spurr's case, from running NOMS on a day-to-day basis? How do you understand the whole discussion about maturity? What are you going to do to reflect that in practice?

Andrew Selous: Good morning, Chair. We absolutely recognise that maturity, particularly in young men, continues to develop at least into their mid-20s, in many cases. Many of the

young adults we have in custody and on community sentences have quite severe levels of immaturity. Last August the National Offender Management Service published the document “Better Outcomes for Young Adult Men: Evidence Based Commissioning Principles”, a copy of which was sent to the Committee. That was a serious piece of work, looking at the evidence on what we know about maturity and, importantly, coming up with the things we need to do within custody and the community to deal with those issues.

Principal among those is trying to provide cognitive skills and the ability to deal with anger management. I would probably put that as the first thing. Secondly, we know that there is a lot of evidence about the importance of employment—real jobs and training—for this younger group. They are more interested than older prisoners in getting training and work. We need to capitalise on that and do everything we can to help to provide real jobs on release and while they are serving in the community. Thirdly, we must keep family and other positive and supportive relationships strong. Fourth is the ability to resist peer pressure. I would pick those out as the four main things that we need to do. If you were to analyse them in terms of general areas, the three broad principles would be temperance, perspective and responsibility. Those are the three qualities and characteristics that we try to develop in the young offenders in our care.

Q417 Chair: That is helpful, Minister. Interestingly, on the point about recognising qualities and characteristics, as far as we can see, you did not produce separate data on one part of the cohort—21 to 25-year-olds—when you did your assessment of the basic needs and characteristics of young adults in custody. Mr Spurr, NOMS did not do that when it looked at the guidance for young adult men. Is that simply because you did not think it was necessary to spell out the age range? You accept the Minister’s point, I imagine, but are there the data? Can we have them? If not, why not?

Michael Spurr: We can split out the data for 21 to 24-year-olds, or indeed for other cohorts, from the adult data in a lot of areas, which we can provide to you. We can look at the needs for cohorts of the offender population by various age ranges, including 21 to 24. We have not split it like that in published data because we have simply identified children under 18, those who are, by definition of sentence, young adults of 18 to 20 and those who are, by imprisonment, 21 and over. Our data can be cut to show the particular needs of 21 to 24-year-olds. We have some data that we can give you on that, including—

Q418 Chair: In a sense, I am not so much worried about the published data; it is what you do in practice.

Michael Spurr: In practice, when looking at young adults, we have focused on 18 to 20-year-olds, but a good deal of the information on the way we would want to deal with 18 to 20-year-olds applies equally to those who are maturing in their early adulthood, up to their mid-20s. That is very clear. “Better Outcomes for Young Adult Men”, the document the Minister quoted, effectively sets out the evidence and data on how we are trying to deal with young adult men. It deals with 18 to 20-year-olds, because that is a defined group that we manage according to sentence. Equally, it makes it clear that, in a whole range of areas, maturity comes with age, to some degree, and therefore much of what we are doing is applicable to a young adult population into their mid-20s.

Q419 Chair: I come back to the Minister. If 18 to 20 is a defined group and the definition does not fit with all the evidence, why on earth are we doing that?

Andrew Selous: At the moment it is a question of law. Obviously, we have had the Harris review, this Committee is undertaking its inquiry and we have the prison reform work in which the Department is actively engaged. We will consider all those matters and reflect going forward.

Q420 Victoria Prentis: Thank you, Minister, for what you have told us about the four areas on which you think we need to concentrate with these prisoners, but isn't there an inherent contradiction within the four? In the case of anger management, employment and resisting peer pressure, young people need very intensive training. The young adults need to be trained, treated differently and, possibly, held somewhere different, so that they can be given lots of access to help and education. Family is the other influence, which needs people to be held nearer their homes. Have you come to any settled conclusion as to what the answer is?

Andrew Selous: We hold young adults in 65 different establishments across the country. I have managed to visit 25 of those so far. That gives us quite a broad geographic spread. I get your point completely. You are absolutely right about the need to enable family links and visits. The relationship with parents is often absolutely key. I fully agree with the previous chief inspector when he said that often "family are the most effective resettlement agency." If we are wise, we will use families, where they are helpful—as they are in the majority of cases—to help us to achieve our objectives. At the same time, we have to recognise that there are some young adults in custody who do not have family contacts, and some whose families are unhelpful. We need to think about how we can build prosocial relationships with them.

Going back to the start of your question, your broader point is right. You are really saying to me that there are a lot of behavioural issues we have to deal with, at the same time as trying to get the education right and the employment offer right. The thing I would highlight is that I have been impressed by the ability to teach maths and literacy in the gym, in the carpentry workshop, in horticultural settings and so on. Given that some of these young people have not had a brilliant experience of school in their past, a blended approach combining education and work can often be extremely effective with this cohort.

Q421 Victoria Prentis: The Committee's worry is that we have seen real evidence of that not happening with young offenders. We have seen young adults locked up for very long periods of time—23 hours a day, in one of the prisons we visited. What real steps can we take quickly to ensure that that stops happening?

Andrew Selous: Our No. 1 overall operational priority is to keep our staff and those in our care safe. We cannot do any of the things that we want to do in terms of really high quality, relevant education and purposeful work leading to actual jobs in the economy, if there is violence, and the young adults and the people looking after them are not safe. That has to be a priority.

One of the things I am hopeful about is the enabling environment wing that I saw at Aylesbury, where I believe the Committee went. They intend to spread that to another wing. Talking to a number of the young men in that wing and to staff, there was a completely different atmosphere. The number of fights was much lower and the relationships between the young men and the staff were greatly improved. They were getting a lot of extra things in their wing and were treating the staff more respectfully. They were even doing up an area for prison officers to sit in during their lunch hour, from

which they had no benefit. I thought that was a hugely significant thing for young people in that age group to be doing. This is fully accredited by the Royal College of Psychiatrists. I would like to see more of it.

Q422 Victoria Prentis: The young adults in that wing are the sad, rather than the bad, if I can generalise wildly. The gang member-type young adults are not in that wing, are they? What can we do to make sure that they are enabled to get out of their cells to access all this brilliant education we want to give them?

Andrew Selous: We are doing a number of things on gangs. We have our Identity Matters programme, which we piloted in two institutions and are now able to extend further. We are providing more guidance to both prison and probation staff on gang issues. We are providing gang awareness training in a number of our prisons and we are going to co-operate more closely with the police, because often they have information.

We try to provide separation. Indeed, I have seen highly complex computer programs in some establishments that plot where people are at every point of the day, to make sure that they do not come into contact with one another. We do our very best to provide those degrees of separation. I have seen a lot of really good mental health work at Aylesbury and elsewhere to try to get these young people to fit into a more rules-based regime and act less spontaneously and in a less combusive fashion.

Chair: Mr Hanson will lead off on Harris in a minute. I want to deal with non-Harris issues for a second.

Q423 Alex Chalk: Minister, you can have all the computer programs, gang awareness courses and mental health support under the sun, but if the ratio of prisoners to staff is unsustainable, the fact remains that you are going to have young people locked up for 23 hours a day, as we saw in Wandsworth and elsewhere. Frankly, all these courses will come to nothing unless you can get people out of their cells. What are you going to do to address that specific issue?

Andrew Selous: You are absolutely right: the staff-prisoner ratio is key. We put our hands up in the middle of 2014 and realised that we did not have enough staff at that point. We had been hit by a slightly unexpected rise in the prison population. From that moment onward, we went full throttle with a major recruitment programme. In 2015 alone we recruited 2,250 extra prison officers. Obviously we lose some every month, but that is a net increase of 440. At the time of the Harris review, which we will come to, we were below benchmark levels in many more establishments than is now the case. Currently, we are running more full regimes.

I do not deny that there are still problems in certain prisons. You mentioned Wandsworth, which is one of our more difficult-to-recruit sites. We have a particularly good governor there, in whom I have a great deal of confidence, and we will carry on recruiting at the current level. Your general point is right. All I can do is give you an assurance that it is a top priority for me to carry on recruiting for officers on the frontline, which we are doing.

Q424 Alex Chalk: Do you accept that having prisoners locked up on alternate days for 23 hours a day makes these courses of limited value, to put it politely?

Andrew Selous: I could not agree more. I can assure you that the two biggest proponents in the Ministry of Justice of getting all prisoners, including young adults, out of their cells are the Secretary of State and myself. Mr Spurr would want exactly the same. We are proud of our education offer, our improving employment offer, the mental health support and the other things we do. We want people to be able to get out to access it, so I absolutely take your point.

Q425 Mr Hanson: Good morning, Minister. It is two years this month since the Harris review was commissioned, almost a year since it reported and five months since the Government responded to it. Could you tell me concretely what has changed in that two-year period as a result of all that effort?

Andrew Selous: We welcome the Harris review. We have accepted a majority of the recommendations; we are working on others and considering more. At the moment, we are doing an audit of our safer custody cells, which was one of the recommendations. Those are cells with a minimum number of possible ligature points, which will help what we are doing.

We are providing more purposeful activity under the prison reform programme, with the education and employment offer I spoke about earlier. We have reviewed the assessment, care in custody and teamwork—ACCT—process, which is now clearer and simpler. I have seen some good, clear improvements in how that will work. We will spread it out this year. We have improved sharing of information between health and prison staff. That includes the prison escort record.

Our training for prison officers has improved significantly. It is now a 10-week course, which is the longest that it has ever been—much longer than when you were Prisons Minister, Mr Hanson. It includes significant mental health training, to make sure that from day one all our staff are acutely aware of the safer custody issues, in terms of mental health and the suicide risks that we face.

Q426 Mr Hanson: All that is well and good, but why would Lord Harris tell us that he was disappointed by the ministerial response to his review and did not believe it had been given sufficient consideration by the Ministerial Board on Deaths in Custody? He was particularly concerned that key recommendations were not accepted and that those that were agreed were relatively and arguably ineffective existing policies. Why would he say that?

Andrew Selous: I think he was disappointed that we did not take up one of his principal recommendations—

Q427 Chair: You did not take up the guts of his report, did you? You have done the easy bits, not the tough stuff.

Andrew Selous: We believe very strongly that the care of all offenders in custody is the business of everyone within an establishment. What worried us about the CARO proposal was that it might lead to a particular group of people who were tasked with doing the caring bit to keep prisoners safe. We think that is everyone's responsibility.

Q428 Chair: What do you mean by everyone's responsibility?

Andrew Selous: I mean exactly that. Everyone who comes into contact with a prisoner has a duty to feed in and report anything they have seen about that prisoner's behaviour. It may be that they are starting to disengage from going to the gym or to education, or that they are not contacting their family and not making family visits. All of that feeds in intelligence, which is important. Every member of prison staff has a role, as far as safer custody is concerned.

Q429 Mr Hanson: We accept and understand that. I come back to the point that several of Lord Harris's recommendations have effectively been kicked into the longer grass of prison reform programmes. For example, given that we are expecting a prison reform Bill in the Gracious Speech very shortly and that you have the next 12 months, how will you incorporate the recommendations from Lord Harris that you said will be looked at in the longer-term prison reform process? Can you give us some indication of what the next 12 months will look like, so that if we have Lord Harris back here in 12 months, he will not say what he is saying now, which is that he is disappointed by the Government's response?

Andrew Selous: The Ministry of Justice has not been idle. You certainly could not accuse us of not having a vision for what we want to do with prisons. Key to what we are trying to do is increased governor autonomy, with which will come increased accountability. We will make sure that governors are accountable for education. We will have a league table system, so that we can measure the improvements in literacy and other key skills. We will start to measure how many people coming out of prison are getting into work and we will measure the accommodation that they have on release. That will free up governors to be able to be more innovative and flexible, within a strong framework of accountability. That speaks to the heart of the issues. Having an improved education offer and an improved employment offer is about giving every offender a hope and a future. In my view, having that hope and future is most likely to make them desist from thoughts of taking their own life.

Q430 Mr Hanson: Most of the young people who come into contact with the Prison Service and the Ministry of Justice are early offenders or on short-term sentences. One of Lord Harris's key recommendations was the idea of individual, dedicated units taking responsibility for those young adults through the system. What is the objection to that?

Andrew Selous: When you say individual, dedicated units—

Q431 Mr Hanson: Lord Harris said there should be an individual, dedicated unit to take responsibility for all young adults in custody, as recommended by his review. You have not accepted that recommendation in broad terms.

Andrew Selous: We hold young offenders in 65 different establishments. That gives us scope to provide the greatest possible proximity to family up and down the country. We are doing the work on safer custody, in terms of establishing cells that have the least number of ligature points. The prison reform programme speaks to the heart of those issues.

Q432 Mr Hanson: The Committee would accept—Lord Harris has certainly said this—that in the December response to Lord Harris's review a lot of the recommendations were either not accepted or were kicked into the long grass of prison reform. Would you give a commitment to the Committee to produce a further update at some point this year, perhaps 12

months on from the Government response, on what has happened in response to those recommendations by the end of 2016?

Andrew Selous: I would be quite happy to come back to the Committee to look at safer custody issues from a prison reform perspective. I strongly disagree with your phrase “kicked into the long grass of prison reform”. There is a huge amount of work going on at the Ministry of Justice to develop this agenda. It has met with fairly widespread support from those who take an interest in criminal justice matters. It is hard to disagree with the desire to have much greater emphasis on education, relevant qualifications and training that will get people into work, and keeping family links strong, which has been a key personal commitment of mine since I moved into this role. All those areas are absolutely central.

Q433 Mr Hanson: Perhaps I will rephrase it. Lord Harris is extremely disappointed in the Government response to the recommendations that he spent 12 months of his life, with colleagues, producing. The challenge for you is to indicate not just in December last year but, potentially, in December this year what progress has been made and which, if any, of those recommendations are effectively not going to happen.

Andrew Selous: By my calculation, we have implemented, are working on or are considering 90% of the Harris review recommendations. I do not accept that we have pushed his report aside. We recognise it as a valuable piece of work.

Chair, you need to think about the timing of this. The Harris review was brought about in the last Parliament, when the Ministry of Justice was moving in a slightly different direction. At that time, the focus was on probation reforms. Since the Harris review, we have a new Secretary of State, who has come in with a lot of energy, articulating a different and very inspiring vision for prisons—a vision that gives us the best hope we have had for a long time of getting improved outcomes in custody. There is just a sequencing and timing issue, given the priorities of the new Secretary of State. Mr Hanson asked me to make a commitment to you. I am more than happy to come back to the Committee in six months or a year with an update on how safer custody is looking in the new world of reform prisons. I would be very happy to do that, if the Committee would find that helpful.

Q434 Chair: That is helpful and courteous. Can I be blunt, Mr Spurr? I have a sense that NOMS is not up to the task. The evidence we have is that NOMS does not have the managerial leadership or the vision to achieve what the Secretary of State is looking for. How can you reassure us about that?

Michael Spurr: I am not sure on what evidence you base that.

Chair: People we speak to—the evidence that we have heard. Every time we get evidence from you, we get a list of statistics and no sense of management, ownership or vision.

Michael Spurr: NOMS has delivered a significant amount of change over the last five years. To say that we are not up to the task is entirely unfair, given the amount of things that we have done both on the prison side and on the probation side. Equally, it is not fair

to say that all that I have ever done when I come here is quote statistics. I have not just done that; I have given a balanced view of where we are.

I have in no sense tried to underplay the challenge that we have been facing. I have been open about that challenge, some of which you have alluded to today. The gang engagement with young people is significant. The issue that we faced around new psychoactive substances has had a game-changing impact on what happens in prisons. Have we responded to that as swiftly as any of us would have wanted? No, we have not, but that is partly because the impact it has had on prisons has been such that it has been a real struggle to understand how to respond to it. The community has been struggling to do that, as well. I know that the whole issue of how we deal with legal highs in the community is going through Parliament at the moment. They have been a huge problem for us in prisons.

Over the last five years we have taken a significant amount of money out of the system and have managed to retain a system that has worked. It is not working as well I would want, but the suggestion that an organisation that managed to take £900 million out of the system over the last five years and maintain a focus on care and decency is not up to the job is entirely unfair.

Q435 Chair: Let me make the point. I frequently speak to really good prison officers, when we go around. They say, “We get very warm words from the top, but they do not translate into practice.” There is a sense that NOMS is run too monolithically. You have good governors—we have talked about the one in Wandsworth and others—but there is a sense that NOMS is not getting much added value.

Michael Spurr: If you are at working level, inevitably you look at the issues that you face on a daily basis, your line managers and your governor. The support and direction that you get from headquarters is important, of course. Our staff engagement rates have gone up four percentage points this year, while our staff sickness has come down by one day. Those are significant figures. I am sorry that I am quoting statistics again—

Chair: You are giving them context. That is fine.

Michael Spurr: At headquarters level, that gives some indication that things are going in the right direction. The Secretary of State is absolutely clear that he wants to see much more autonomy at local level, much more local initiative and much less direction from the centre—from NOMS. There is no question but that under prison reform the centre of gravity—the importance of where things will happen—will shift downwards, not upwards.

Chair: I understand that.

Q436 Alberto Costa: Could I turn to the issue of mixed or dedicated institutions, and specifically Glen Parva young offenders institution in my constituency? Minister, when the general election took place last year, there were plans by your Department to have an £85 million secure college built at Glen Parva to benefit young adult offenders. Over £5 million had been spent by the Ministry of Justice. In July, you took the decision to cancel that college. There was then talk of the site potentially being used for one of the new prisons that the Government have proposed. There is now a further proposal to use Glen Parva to house

adult offenders, on the basis of there being lack of capacity elsewhere and a reduction in the number of young adult offenders in Glen Parva.

In less than a year, we have moved from one very welcome proposal to have a secure college of education for young adult offenders, meeting some of the issues and concerns that my colleague Ms Prentis addressed earlier, to a situation where there is uncertainty as to what the site is going to be used for and then further uncertainty as to how young adult offenders will be treated going forward, by having adult prisoners in this establishment. Why has there been a lack of consistency in your approach to how Glen Parva is used to incarcerate young adult offenders?

Andrew Selous: I completely understand the points that you raise from the point of view of a constituency Member of Parliament. They are entirely fair. I will do my best to talk you through the history, having lived through all of this myself. First, the secure college proposal was for the youth estate, not the category we are talking about in this inquiry; it was for under-18s. It was an attempt to make a quantum leap in the improvement of education that we give young people in custody, so it was a noble ambition.

Q437 Alberto Costa: With respect, it was more than an ambition. You spent £5.5 million of taxpayers' money.

Andrew Selous: Indeed. That is a fair point.

Alberto Costa: One does not spend that amount of taxpayers' money on an ambition. It was a concrete proposal—a plan that you cancelled last July.

Andrew Selous: It was indeed, but our commitment is to get our estate right. In this Parliament, under this Government, we have a £1.3 billion commitment to a new prison building programme, which is significant. Of course I regret the lack of public money. No one should waste public money like that, if at all possible. What we now have, with the Charlie Taylor review, is a proposal for secure schools—the same idea, but many more of them, in smaller settings across the whole country, enabling the family contacts Ms Prentis talked about earlier to stay strong.

On your second point, it is quite usual for us to have young adults—18 to 20-year-old prisoners—and older prisoners within the same institution. Indeed, that is currently the way in which we hold the majority of young adult prisoners. We have to do that partly because of capacity management issues, so that we do not waste public money by having cells empty when other establishments are overcrowded. No member of the Committee would want us to do that.

In terms of evidence on outcome, yesterday Mr Spurr told me that in an open prison where he was the governor the rate of absconds actually fell when young offenders were mixed with adult offenders. We have to manage this carefully, because we do not want young offenders to pick up bad habits from older offenders, but there is some evidence that it can work the other way around, in that sometimes young offenders can develop more maturity and act in a slightly less impulsive manner if they are with older men. We will study that carefully. I hope that what I have said is helpful in giving you a history of what is happening. Glen Parva absolutely has a place; it is a vital institution. We have no current

announcements on the future prison estate, but we hope to be able to make some in due course.

Q438 Chair: I get the sense that you are dealing the whole time in managing the system, not leading it. It is the job of the Ministry of Justice to lead, rather than to manage. For example, you have taken on board a lot of the managerial bits of Harris, but you have not grasped the nettle on changing the legislative framework in which we deal with young offenders. Arguably, until you do that, everything else is tinkering around the edges. That is the leadership I do not see coming from you.

Andrew Selous: I would say we are providing very strong leadership on the importance of education. The young adults the Committee is considering have had a pretty appalling time at school, by and large. They are not literate or numerate. Frankly, without those skills, they will not be able to get jobs to look after themselves and their families as they get older. It is absolutely essential that we strive even harder to provide leadership within education. We had a model in the last Parliament, which was the secure college for the youth estate. We are now replacing that with secure schools—an eminently sensible proposal. The commitment to really good education extends across the whole estate, particularly to young adults. The Prime Minister will judge every prison governor on how well they have done on improving the literacy and key skills of every offender within their prison. That is a game changer, in terms of transparency and accountability. It shows leadership and how important the issue of education is.

Chair: You yourself have shown real commitment; this is not personal, as far as I am concerned. But I do not get the sense that there is willingness to look at the fundamental of Harris, which is that the law around the way in which we treat offenders in this cohort is basically wrong and is not supported by the evidence. I do not see any willingness by Government to grasp that.

Victoria Prentis: We really need evidence and research—it strikes me that you really need it—on exactly where it is best to hold those young adults and on what the outcomes are for each scenario.

Q439 Dr Huq: You praised the Lord Chancellor for his energetic attitude to these things. It looked like that at first, with the ban on books being lifted and so on, but he has said in interviews that he does not accept that prison numbers have to be cut. That seems fairly fundamental. Without that, how are we going to move on? It is really expensive to lock people up. We have heard that it costs more to incarcerate someone for 23 hours a day than to send them to Eton. We have now visited several prisons and we see the same sorts of things—inconsistent education, overcrowding, lack of staffing, scant regard for mental health conditions and courses that are cancelled. People want to do these things. Trainers come to Wandsworth and Aylesbury from across the country only for the course to be cancelled because there are not enough staff. We have seen a really sorry picture.

Andrew Selous: I understand the point that you are making. The decision as to who is sent to prison is one for judges. It is our job, once they are in prison, to make sure that they do not come back. We have admitted that reoffending is too high; it has been too high for very many years. The most significant thing we can do is to make sure that our rehabilitative work, in terms of our offer, and our education work and work with family, is

sufficiently good, sufficiently focused and sufficiently relevant, particularly to the skills shortages in the economy, that these young people and other prisoners do not come back.

I take your point about instructors and trainers. I have already said that we are recruiting many more prison officers. That helps to move people around the prison, to get them to education; we need enough relevant instructors—something I am taking a big interest in—to make sure that that is the case. We are doing an audit of all our workshops at the moment. We have huge employer engagement at the moment, which is really positive. We are seeing engagement of an order that has not been the case for many years.

Q440 Marie Rimmer: What is your planned figure for staff in these institutions? How far are you from achieving that number? It seems to me that the key issue is that there are not enough prison officers to allow the system to work—even the one that you talk about delivering.

Andrew Selous: At the time of Lord Harris’s review, we were quite a way below the benchmark figures in a number of our—

Q441 Marie Rimmer: What are the benchmark figures? When did they arrive?

Andrew Selous: I will ask Mr Spurr to say a bit more about the detail of the benchmarking process in a second, but it was a joint process that was supported by the Prison Officers Association at the time. It was entered into by the Prison Officers Association and governors to see what safe and adequate staffing levels were. In some prisons, such as Winchester, it led to an increase in officer numbers. We are now much closer to our benchmark numbers in a larger number of establishments. My commitment, which I repeat again, is to carry on recruiting and make sure that there is the budget within the Ministry of Justice—

Q442 Marie Rimmer: How many more do you intend to recruit? What is the figure you want to arrive at?

Andrew Selous: This year we had a target up to the end of March just gone to recruit a further 1,700 officers. We had the same target the previous year and exceeded it. In the last calendar year we recruited 2,250. We are carrying on recruiting at that rate.

Q443 Marie Rimmer: Mr Spurr, can you tell me where the £900 million of savings—or cuts—came from? How did you achieve that? How much of it is related to prison officer reductions or change of purpose?

Michael Spurr: Could I clarify the benchmark? More than 85% of establishments are now operating at benchmark staffing levels. We have about 15 establishments, largely in the south-east, that are below and are still struggling to have the number of staff that they want. We are supporting them with staff from across the country, to make sure that they are able to deliver decent regimes.

The £900 million was achieved in a range of different areas. First, there was a significant reduction in our headquarters oversight and support—a reduction of some 40% in headcount in headquarters and at regional level to provide support to establishments, saving over £90 million. We achieved savings through what we would call restructuring the estate—effectively, closing smaller, less economic establishments, given the fact that

we have some new accommodation coming on. We ended up closing around 16 establishments and saved money in that way. On the probation side, prior to the implementation of transforming rehabilitation, individual probation trusts made savings of about 15%. That was before we stopped taking money out of the probation service and invested in expanding supervision to all those who got short prison sentences, through the transforming rehabilitation programme.

Finally, yes, we reduced the number of prison officers and staff generally in prisons by implementing what has been known as the benchmarking programme. That was around saying, “Let’s look at what is the most efficient operating model in the country for activities in prisons and apply that across the piece to like establishments.” That reduced the total number of staff in prisons. As the Minister rightly said, in some prisons—Feltham is another—we increased staffing, because when you applied the model they were below the levels that we thought were right. But of course the aim was to reduce the number of staff we needed, in order to live within our budget.

Q444 Marie Rimmer: What was the reduction?

Michael Spurr: The total NOMS reduction—for all staff in NOMS, including staff at headquarters and managers—was about 11,000 over that period.

Marie Rimmer: Eleven thousand?

Michael Spurr: Around that, discounting those who transferred to other organisations—I am not counting those who went to work for G4S or whatever.

Q445 Alex Chalk: I want to drill down on the points made by Ms Rimmer. Minister, how many officers short are you?

Andrew Selous: I tend to focus more on establishments. I do not have the exact figure, so I will write to the Committee. We have around a dozen establishments—it may be slightly fewer now—where we are still below the benchmark levels. Those are priority recruiting sites. We have managed to increase the starting pay at a number of them. We have very good research to make sure that we are competitive. This is ongoing on a daily basis.

Q446 Alex Chalk: You said that your target for recruitment was 1,700. The Committee needs to know whether that target is going some way towards plugging a gap or whether it is a long way short. How can we get any sense of whether that is a sensible target?

Andrew Selous: The figure of 1,700 was set in order to get us up to the benchmark level in every establishment. In around a dozen establishments—it may be fewer; I will ask Mr Spurr, if he knows, to add to that—we are currently short. Those are sites where we have particular competitive pressures within the local labour market. We have addressed that in some areas. At Feltham, for example, we managed to increase the starting salary for prison officers. I was at Feltham not long ago. It is the first autism-accredited prison in the whole world, something that I am extremely proud the Ministry of Justice and the National Offender Management Service have brought about, if I might put that on the record. The extra starting pay helped us to get more officers there.

We have some flexibility. Although we have cut back at headquarters, it is an absolute priority to get prison officers to the front line. My commitment to the Committee is that we will carry on doing that. We will recruit up to the benchmark and make sure that we have the budget to do that. That is an absolute commitment.

Q447 Chair: I understand those intentions, which all of us would accept, but there is a difference in the way in which young adults respond to others within the system. We have a mixed regime, in many respects. What research and understanding do the Ministry and NOMS have about the way that impacts, and what are you going to do about it? Is it worth continuing with mixed institutions, or should we be moving to a different approach?

Andrew Selous: When we talk about mixed institutions, it is important to clarify the detail a little. There can be quite a degree of separation between older adult prisoners and young adult prisoners within an institution. You are right; we need to do more research and to get evidence on what works. Broadly, we want young adults to pick up the positive features of mixing with older people, which is generally how young men are socialised out in the community, without picking up the bad habits. But I absolutely accept your challenge that we need to study further the evidence on what works.

Michael Spurr: Working out the right way to segment the prison population and where to hold people has a load of complications and, often, tensions in it. There are 15,000 young adults aged 18 to 24 in the prison system at the minute. Some of them will be serving very long sentences and will need to be in a high-security establishment. Some will be sexual offenders who may be better placed in an establishment that concentrates on sexual offending. Some will be drug addicts with whom we are doing drugs work. We have some decisions to make about the best way of providing for the needs of those individuals.

As part of the prison reform programme over the next few years—the Secretary of State has made this an absolute priority within the Department—we will need to decide the right way to try to address individuals’ needs. One way is to segment by age, recognising—I agree on this absolutely—that young men do not stop being young at 20 or 21, and that maturity differs. It is perfectly reasonable, as happens in other jurisdictions, to look at young adults up to the age of 24 or 25. Whether it is right to create establishments for that group, rather than to create specialist establishments that deal with the particular needs of people in a wider age range, is complicated, and is something we will have to look at as part of the prison reform programme.

Alberto Costa: Chair, can I come in on that for a moment? It is once again about Glen Parva, just so that I understand this clearly.

Chair: Briefly, Mr Costa.

Alberto Costa: I am relating it to this inquiry.

Chair: It is not a prisons inquiry; it is about young adults.

Q448 Alberto Costa: In his response to the Justice Committee, the Secretary of State said that there were three options for managing Glen Parva. The third option was that it is retained as a young adult offenders institution but is used to house adult prisoners as well. He went on to say, “it is the way that we already operate successfully in a number of former young offender institutions.” Glen Parva of course continues to be a YOI; it is not a former YOI. In

respect of the questions about staffing, my understanding is that no additional staffing is coming into Glen Parva and that the staff currently operating there, who are trained for young adult offenders, will be used for the adult population. Is that correct, or will you bring in additional staff?

Michael Spurr: I will answer that question, as it is operational. The reality is that it is a good thing that we have more than 500 places that are not being used in the young adult estate, because we have fewer young adults than we used to have.

Alberto Costa: The question is about the staff.

Michael Spurr: It is about using the places we have and making sensible use of our resources and budget within a very tightly constrained resource world, where we are being asked to manage properly for the public and the taxpayer as efficiently as we can.

Alberto Costa: Will you bring in staff to deal with adult prisoners?

Michael Spurr: We are not going to bring in—

Q449 Chair: With respect, Mr Spurr is going to give you his answer and we will then move on.

Michael Spurr: There are 500 places. We need to use them. We are going to put some adult prisoners into Glen Parva for that reason. We do not need additional staff. The ratios in a YOI are generally higher than they are for adult prisoners, so there are sufficient staff. Will they need to adapt to deal with an adult population, rather than a young adult one? Yes. They will get support to do that at a local level.

Alberto Costa: My final question—

Q450 Chair: I am sorry, Mr Costa. I am not prepared to continue with Glen Parva. We need to move on to other issues.

Can I be quite clear? You make a fair point, Mr Spurr, about resource and demand. Minister, doesn't this come back to the real issue that, if we send so many young people into custody, arguably we are creating an unsustainable burden on the system? What about the alternatives? What about the work that has been done with the Transition to Adulthood Alliance pilot court, for example? What is the Ministry's view on that? What are you looking to do around those issues to prevent the pressures that Mr Costa has in Glen Parva and elsewhere?

Andrew Selous: The Lord Chancellor has spoken to the Lord Chief Justice about the whole area of problem-solving courts. That work is ongoing at the moment. You have taken some evidence from the Centre for Justice Innovation, which is also seeking engagement with the judiciary. The sense of your question is: are there rigorous and effective community punishments that would be effective for some of the people we are talking about? It is important to put this into context. There has been a massive fall—a 41% decline in the five years to June 2014—in the number of 18 to 20-year-olds in custody. The figure on 31 December last year was 4,707, so it is very much smaller. All of us will be pleased about that, but they are the most challenging offenders. You are talking

about issues of gang violence and so on. The public would rightly expect a custodial sentence for some of those people, because of the crimes that they have committed against your constituents and mine. However, we absolutely want to explore whether, for less serious offences, there might be more rigorous and focused community sentences that problem-solving courts could use in the future.

Q451 Chair: You will accept that the courts apply the law as set down by Parliament. Is there a job for Parliament to make it easier by saying, “Possibly our sentencing regime is wrong”?

Andrew Selous: The Lord Chancellor has said that we will look at sentencing in the course of this year. Sentencing has now been taken from me and given to Mr Raab to deal with in the Department. That may be the subject of a separate inquiry. Work on sentencing is ongoing this year, in terms of a consultation to which the Ministry of Justice has committed.

Q452 Chair: I have a lot of sympathy for Mr Spurr’s department, which is chasing demand all the time. Very often it seems to me that we are not doing anything to deal with the demand. What about things like the work that is done by CRCs? Are you happy with the way the guidelines are being followed? What about things like the youth-to-adult portal? Is there more that we can do around that?

Michael Spurr: The transition from being managed within the young people’s justice system and estate, if you are in custody or in the community, to being managed in the adult system, which is for over-18s, is really important. We have done a lot of work with the Youth Justice Board and with partner bodies to improve that transition period—both in the community, so that we get information that crosses from the youth system to the adult system, and in custody, where the sentence plan needs to go through into the adult period. We have made a significant amount of progress on that, which is positive.

One of the key issues for us with the change in probation that created the CRCs was to ensure that it did not disrupt the work that we had been doing to get improvement. It is there; it is a priority and is seen as a priority, because of the risk and vulnerability around that particular group of individuals.

Q453 Chair: What about things like involving NHS England in all the work around trauma and bereavement? The evidence suggests that there is a particularly acute need for that among young adult offenders.

Michael Spurr: That is right. You talked about evidence. We have done more of this work with the female estate, where we are looking to train virtually all our staff to be informed about trauma and the impact that it can have on lives. A lot of that crosses quite properly, as the evidence indicates, to young adults as well. I hope to be able to develop some of the work that we have done within the women’s estate, to provide additional support and training to staff more widely. It comes back a bit to segmentation, because we have young adults spread over a much wider area. Again, it is about where we prioritise training and resource within the system.

Andrew Selous: We are also looking at co-commissioning in our reform prisons, between NHS England and governors, which is absolutely to be commended.

Q454 Chair: We were surprised by the evidence of an increase in the number of adjudications around young offenders, in particular. Why has that come about? What is driving it?

Michael Spurr: What the Minister said was right. There is a much smaller population of young people under 18—down from 3,000, at its height, to 700 or 800 now—and a much smaller group of 18 to 20-year-olds, but the group that we have is incredibly challenging. The chief inspector has said that; so does anyone looking at the issue. The work that Charlie Taylor is doing on the youth system as a whole is timely and right. He is looking at whether we can do this completely differently, given the cohort of people we are now managing. Adjudications reflect the real challenge that we have had because the individuals in custody now are increasingly violent, problematic and spontaneous. We have always had that with young people, but it is at a level greater than we have seen before.

Q455 Victoria Prentis: How much is the spike in adjudications directly related to psychoactive substances?

Michael Spurr: It is difficult to say. From the data we have, I cannot say absolutely, but there is no question—

Victoria Prentis: It would be very helpful to have firm data on that.

Michael Spurr: Yes, but it is difficult to see. Often this behaviour is linked to the availability of the illegal, illicit market in NPS, so it is difficult to pull out. We are absolutely clear across the estate that the wide availability of these drugs in the community—the ability up to now to buy them legally, for ordinary families to feel that they could bring them in, because they were legal, and then for organised crime to use them as a means of generating money—has had a massive impact on stability in establishments over the last two years, as I mentioned earlier. That is true in young adult establishments as well.

Andrew Selous: It can make people more aggressive and lead to fights. It can lead to debt, which can lead to other fights and so on.

Q456 Victoria Prentis: That is why it is really important that we have very clear evidence about the link to adjudications. It is helpful to have data for things like that.

Andrew Selous: Yes. From the information we have given you, we know that between 15 and 17, in the youth estate, the figure is 986 per 100. It then drops to 271 per 100 for the 18-to-20 group and down to 107 for those over 20, so it declines with age. We know that people in this particular age group are very spontaneous.

Michael Spurr: The NPS issues are much less prevalent in the youth estate—the under-18s. There the problem is largely around small numbers, gang-related issues and fights. NPS gets more prevalent among the young adult population, both in YOIs and in adult establishments.

Q457 Chair: That is helpful. I have a final thought. Does any of that link to Baroness Young's work around the particular issues that arise in relation to young black and Muslim men?

Andrew Selous: I have met both Baroness Young and David Lammy, who is conducting a similar review, and am very supportive of the work they are doing. From what I have seen of their work, the key takeaways are having more staff and managers from BME communities who have lived experience of contact with the criminal justice system, and a focus on employment. I know that an ex-CPS head of equalities is leading a critical friend advisory group on behalf of Baroness Young, to work with us. We are working very constructively with that group and will continue to do so.

Chair: Dr Huq has a question. This is quite an important issue, particularly for London.

Q458 Dr Huq: What initiatives do you have to prevent radicalisation in prison, be that Islamic radicalisation or even of the extreme right? Often we say that young people are vulnerable to charismatic people with extreme ideas, because their frontal lobe has not developed properly and so on.

Michael Spurr: I can answer some of that. At the moment we run a number of programmes that are linked to promoting positive identity, as opposed to being radicalised into a distorted identity. The programmes are called Healthy Identity and Identity Matters. In evidence terms, they work for people who get drawn into gangs, as well as those who can get drawn into extremist narratives. As you know, the whole of our agenda to counter radicalisation and extremism is being reviewed at the moment. The Secretary of State is looking at how we will improve significantly what we have been doing to counter that particular threat.

Andrew Selous: The Prime Minister has said that he wants to see a non-violent prison extremism programme, as well as a mandatory prison deradicalisation programme. Those were two commitments in his 8 February speech.

Q459 Dr Huq: PVE has been widely cut. It has gone through reductions.

Andrew Selous: All I can say is that we are very aware of this issue. The Secretary of State commissioned a specific review on it. We are now working through the implications of that with NOMS. The Prime Minister has given us a very clear steer. We will do that deradicalisation work and non-violent extremism work in prisons.

Chair: Thank you very much, Mr Selous and Mr Spurr. These are tough issues. That is why it is as well that we are frank with one another. We are grateful for what is being done. You will be conscious that we will probably want to return to some issues. I know that it is a busy time at the moment. I am grateful to both of you for your time and your evidence.

Examination of Witnesses

Witnesses: **Angela Cossins**, Deputy Director, National Probation Service, **Max Rutherford**, Criminal Justice Programme Manager, Transition to Adulthood Alliance, Barrow Cadbury Trust, and **Huw Williams**, Professor of Clinical Neuropsychology and Co-Director of the Centre for Clinical Neuropsychology Research, Exeter University, gave evidence.

Q460 Chair: Welcome. Thank you all very much for coming to give evidence to us today. We have met some of you before, under different circumstances. Thank you for coming back. Could you briefly introduce yourselves? We will then move on immediately to questions.

Max Rutherford: Good morning. I am Max Rutherford from the Barrow Cadbury Trust. As part of that role, I lead the work of the T2A Alliance.

Angela Cossins: I am Angela Cossins. I am the deputy director for the NPS in the south-west and south-central division.

Professor Williams: I am Professor Huw Williams from Exeter University. I am a professor of neuropsychology. I also represent the British Psychological Society.

Q461 Chair: Thank you very much. We have a sense that there seems to be some pushback from the Ministry and others on the idea that there must be a distinct strategy and distinct governance structures for young adults. Sometimes it is not practical, and sometimes it is an issue of cost; you cannot ignore cost, at the end of the day. There is something in that, isn't there? How do you recognise the practical realities, given that you are dealing with quite a small cohort of people, but quite difficult ones? How do you make this realisable?

Max Rutherford: As you will be aware, T2A's position is that there should be a distinct approach for all young adults aged 18 to 25 in the criminal justice system. That is based on a number of fields of evidence that we have collated over the last 10 years, since we started the programme. Yesterday I was with a team of people looking at developing a young adult court programme. A borough police commander, who is leading that approach for us on the site, put it really well. He said that, for him, the reason why 18 to 25-year-olds should be a distinct group and have a special effort of resources and capacity was that, if we get it wrong with that age group, there is at least a decade-long consequence, socially and financially. This is the group at the peak age of offending but also the age group most likely permanently to desist from crime, if we get it right. At a time when resources are scarce, to quote the Kenneth Younger committee of 1974, this is the group worth focusing them on.

Q462 Chair: What is the NPS approach to this?

Angela Cossins: We have responsibilities for all 18 to 25-year-old offenders the NPS supervises in a community setting or on licence. We also have responsibilities through our work as statutory partners of the youth offending teams. The point has been well made that we need to get it right with this group. We take that responsibility very seriously. We have a very clear approach to what is now a consistent deployment of staff and way of working that we have in youth offending teams. One of the real benefits of being a national service is that we have been able to ensure that all 156 YOTs now have a common framework for working with the NPS. It is not just from 18 to 25 onwards—our responsibilities start earlier; but I certainly agree that we need to be mindful of the research and evidence on how best to work with that particular group of offenders and young people in the system. We are doing that and will continue to do so.

Professor Williams: I agree with that. Over the last few years there has been an improvement in the youth justice system around reducing the chances of young people coming into custody. As you know, those who end up in custody tend to have much more

in the way of problems—brain injury, psychiatric disturbance, suicidality and so on. With a more nuanced approach to those younger people, you probably get much better outcomes. With 18 to 20-year-olds and 20 to 24-year-olds, you are looking at a life stage and a life point where you need to take account of specific types of issues. You can then train up a workforce to be able to address those more effectively.

In earlier evidence, you heard that there is a need to bring about change. The thing that seemed to be missing from the equation was someone who could enable a person in the custodial environment to engage in their rehabilitation. In the 18-to-24 age group, there is the risk that people will drift into peer group pressures, rather than being able to engage with the process of change, especially when there are neuromaturational deficits.

Q463 Chair: Professor Williams, do you have any sense of where that person might sensibly sit within the system? You talked about a person who has ownership and so on.

Professor Williams: We have carried out an evaluation of putting in link workers to enable identification of brain injury in prisons. It is possible to put link workers into these environments to enable vulnerabilities to be picked up. You heard earlier about autism and having more autism-aware environments. The same needs to be done around ADHD, brain injury and so on, because they are quite major conditions within these environments. If you address those issues, you are likely to reduce the number of infractions in custody and to improve resettlement. I am not sure whether it should be someone who is already a prison officer and then gets a changed role, or whether it should be through co-commissioning with the NHS, where you get more hybrid workers, but there is certainly a role for somebody who could enable the identification of vulnerabilities that are criminogenic but also have an effect on the wellbeing of a person all the time.

Q464 Chair: Do any of you get a sense that the structure of the NHS lends itself well to this sort of co-commissioning, or is it too monolithic, frankly, to get into that sort of multi-agency working?

Max Rutherford: We have seen some really good examples of partnership working between the NHS and criminal justice agencies. One of our T2A pathway projects in Rotherham is a model of co-commissioning between the Rotherham and Doncaster mental health service and the police, to deal with, among other things, autism and brain injury among young adult offenders.

One thing linked to that point is that we feel that practice and practitioners are leaving policy makers behind on this agenda. Practitioners have really taken to this evidence base, which they recognise in their work. They have defined young adults in criminal justice as 18 to 25-year-olds, based on the evidence from neuroscience and so on. Very pleasingly, we have seen police and crime commissioners leading on this. In community rehabilitation companies and the National Probation Service, there is work on maturity. What we are not seeing is any co-ordinated strategy from the centre to recognise that it is worth having a distinct approach to the group that makes the biggest demand on its services. That is disappointing. It is also perhaps somewhat unwise not to think about the group that offends the most but has the most potential to stop offending.

Professor Williams: There are NICE guidelines being developed at the moment around mental health and neurodisability for assessment, screening and potential interventions for people in prison, which may be helpful in joining up the systems more effectively.

Q465 Victoria Prentis: Professor Williams, can you tell us about the practicalities of your recommendations for universal screening? How could it work?

Professor Williams: My recommendation for screening is much more about being able to create a system where you can identify people who probably need screening.

Q466 Victoria Prentis: So you ask some questions.

Professor Williams: Yes, questions.

Victoria Prentis: When they come into prison?

Professor Williams: You can certainly ask questions as they come into prison. In the youth estate, this is already happening. We now have the comprehensive health assessment tool. There are questions around mental health and neurodisability, so you will pick up autism issues, brain injury issues or ADHD issues. That is now undertaken informally in some YOIs for 18 to 21-year-olds.

Q467 Victoria Prentis: Do they ask about bereavement in those assessments?

Professor Williams: There are questions about adversity and about grief and trauma. Around trauma, there is an opportunity to identify some issues. You are absolutely right. The lives of these people are full of adversity and losses. Those issues leave people bereft of contact and love, in many ways.

Q468 Victoria Prentis: How widely are these tools used?

Professor Williams: Across the youth estate at the moment—

Victoria Prentis: We have just heard that there is not really a youth estate.

Professor Williams: The youth estate is shrinking fast. That is a good thing, in many ways. It is now important to move from informal use of assessment tools like the comprehensive health assessment tool in the young adult domain to utilising, perhaps, a shortened version of that as a screening tool. We should also utilise the data that already exist. Another big issue in this area is that there is a lot of information on systems such as OASys that could be extracted and used, but there are often problems in sharing information between health care, the forensic or criminal side and the rehabilitation side. It is important to try to come up with ways of doing that. That is why people who help to co-ordinate care have an incredibly important role. You will then have somebody who can bridge those gaps.

Chair: I understand that.

Q469 Mr Hanson: Mr Rutherford, in your evidence, you mention “overarching principles” that you think should back distinct and deliberate approaches to the sentencing of young adults. Could you give some indication to the Committee of what you think those should be, so that we can discuss them?

Max Rutherford: In the sentencing process?

Mr Hanson: Yes.

Max Rutherford: One area that we are developing at the moment is the idea of having distinct courts for young adults, and it would be in those settings that we saw those principles realised. One of them would be about fulfilling the idea of procedural fairness. I know that you have heard evidence from the Centre for Justice Innovation on this. It would be a setting where young adults had the process explained to them in more detail; where their maturity was taken into account more routinely—ideally, in every case—where the community rehabilitation company and the National Probation Service were available to offer the court real alternatives to custody on the day, and which could start shortly after the sentence was given; and where, ideally, the family were involved, in the same way as they might be in the youth setting. Perhaps uniquely, young adults are often the child in a family context, where they have a family, but also a parent. We feel that it is vitally important that family in a wider sense are involved in that process. The sentence itself should be tailored to meet the specific needs of this age group. Within the existing legislative framework, there are many improvements that could be made to the way young adults are sentenced, but with some legislative change, you could go much further.

Q470 Mr Hanson: You said that you want to retain detention in young offender institution sentences, but to extend them up to the age of 25. What difference would that make?

Max Rutherford: That would be specifically where custody was being considered and used. Now DYOI as a sentence is restricted to 18 to 20-year-olds, so notionally, at least, they are held in distinct regimes in custody. We would like to see that extended to the age of 25 and for young adults in that age group to be held in distinct institutions.

Q471 Mr Hanson: What is your assessment of the cost implications of the total changes that you have proposed? Is there an additional cost, or do you expect it to be offset by reduced reoffending in the longer term?

Max Rutherford: There would certainly be a longer-term gain. In the short term, as Michael Spurr and the Minister identified earlier, there is capacity in the young adult estate. We would see the first step as being to fill those places by bringing in older young adults. That would utilise existing staff expertise in those establishments much more effectively than just bringing in older adults up to any age. We also think that there is potential further to drive down the overall number of young adults in custody, thereby freeing up additional capacity for the older young adult age group.

Q472 Mr Hanson: What is your assessment of the cost implications of the overarching principles that you mentioned earlier—family involvement, extra explanation to young people and a range of other changes in practice? Can we get some ballpark figures?

Max Rutherford: We think that there would be no cost to doing that. The current young adult court pilots we are looking to set up have no funding from Barrow Cadbury Trust or others. It is about reorganising capacity that already exists. We are looking to utilise expertise among youth sentencers. There is a huge amount of capacity among youth magistrates at the moment. They have come to us to say, “We want to continue to be youth specialists, but in a good way we don’t have enough work to do, because there aren’t so

many under-18s coming into our courts.” In the first instance, we would like youth bench chairs to sit as part of three in the adult courts, alongside two adult magistrates. Those courts would be run in a way that is more comparable to a youth setting, at nil cost.

It is about listings. Young adult cases could be heard on one given day a week, rather than spread across a week along with older adult cases. Rather than having to turn up ad hoc when a young adult is in court, to provide a special intervention, the CRC and the NPS would know that they needed to be present one day a week to make their offer. It would be a better, more effective use of resources if, for example, National Probation Service staff were doing maturity assessments on a particular day, knowing that all the cases would involve young adults.

Angela Cossins: I want to clarify one thing. Consideration of maturity is a requirement of all reports on young people, in all court settings. While not a distinct, bespoke assessment tool, that consideration of maturity is absolutely part of practice. It would not be a matter of saying, “We are doing the maturity assessment court today.” We would expect all our practitioners to be able to do that in all settings.

In terms of the availability of staff to ensure that the right sentencing options are provided to the court, we would want to ensure that that was happening wherever young people were being sentenced. Clearly, we will look with interest at the pilots. They have been done on a voluntary basis in areas where people have said, “Yes, we’d like to try that out.”

Q473 Alex Chalk: Mr Rutherford, I would like to ask a few more questions in respect of those Mr Hanson asked, on having special custodial settings up to the age of 25. There is anecdotal evidence, and maybe even scientific evidence, to suggest that that is a very difficult cohort in custody and that you need some older prisoners—people of 29 or 30 or into their 30s—to dial down the tempo of a prison, to calm it down. What evidence do you have to suggest that having a prison for people from 18 up to 25 would be better for them overall? Some might say that it would make matters worse. You would be putting all the most difficult prisoners in one place, with no adult role models. Is that not just going to make matters worse?

Max Rutherford: We are basing our position on the wider evidence base that this age group is distinct and, therefore, should have a distinct approach at every stage of the system. Where we have seen evidence anecdotally about mixing, we have seen positives and negatives presented, but it is always anecdotal. We have seen some evidence that there is a more calming influence, although we are slightly concerned about why it is calming. Why are older, perhaps more experienced, prisoners having that calming influence? It is not always quite so straightforward. We have also seen evidence from Portland YOI, for example, which was traditionally a young adult prison. When mixing took place there, the governor said, “We never had a drug problem until older adults came in. Now it is rife.” There is contradictory anecdotal evidence. We feel that this needs to be subject to rigorous evidence. I really welcome the comment from Ms Prentis about evidence, because we have not seen that from Government. There has been a process of policy erosion around young adults.

Q474 Alex Chalk: I agree with that, but isn’t it also incumbent on you to base things on evidence? You have made a clear suggestion that that is what should happen, but on your own admission, it is on the basis of supposition and anecdote, isn’t it? Where is the hard

evidence to suggest that we should spend a fortune—because it would cost a lot to reconfigure our prisons—to do this? You cannot do it on the basis of anecdote and supposition, can you?

Max Rutherford: It would cost very little to reorganise the YOI estate, as it exists, to accommodate 18 to 25-year-olds. In the first instance, you could do it without new legislation. You could have some on the DYOI sentence and older young adults not on the DYOI, but all housed together. Cost issues would be minimal, and of course you would already have expert staff in those establishments.

We base the proposition on the wider evidence base that this is a distinct group. What we would like to see is some research from Government to say, “This is a model that we are going to test rigorously before we do anything like getting rid of the DYOI altogether,” which was the 2013 proposal. We think that there is much more risk in getting rid of that sentence altogether without doing some quality research first.

Q475 Alex Chalk: To be clear, there is no evidence that you can put before the Committee to suggest that having that cohort together would lead to better outcomes for those prisoners.

Max Rutherford: Some young adult prisons in this country have been configured on 18 to 25. Swinfen Hall is one. It is a very good prison, in terms of its track record, with good inspection reports. The governor, Teresa Clarke, is very strong. She is the national lead for care leavers, with a very concerted effort to focus on that age group. There have been other variations on the theme of young adult prisons, like HMP Isis, which goes up to 30, and Brinsford, which was for 18 to 20 and is now a mixed establishment.

There have been different methodologies. Where it has been 18 to 25, the outcomes have generally been good. Where it has been done in that way internationally—I have not really talked about the international evidence, but it is much more substantial than what we have in England and Wales—the evidence is again very good. Last year I was in Neustrelitz prison in Germany; the results they were able to get by targeting that age group were very impressive. It was focused very much on employment and training and they had a very interesting mix of offence categories. Earlier, we heard from Michael Spurr about the problems of mixing offence categories. In Germany, they did not take that view; they decided that it was very much an age profile that they wanted to reach. There was a whole range of different young people and experiences among them.

Chair: I know that you have some evidence on that, but I do not know whether or not you have shared it with the Committee yet. If you are able to send anything over, it will be very helpful.

Max Rutherford: Sure.

Chair: We are time limited, but we are very interested in that work. Ms Prentis, do you want to follow up on that, before I bring in Mr Hanson?

Q476 Victoria Prentis: There was a question for the first panel on why the NOMS maturity assessment report has been delayed until the autumn. Ms Cossins, it struck me that you might know—don’t worry if you don’t.

Angela Cossins: I am not clear about what is being referred to, but I was sitting in and listening. I will check back and get a note to you.

Chair: That will be very helpful.

Q477 Mr Hanson: We are quite considered, in terms of looking at what works to prevent reoffending. Some of the evidence that we have had relates to American systems, where there are programmes in place to enable young adults who are accused of less serious offences to have no prosecution, if they comply with particular court directions. We have been very interested in looking at how judges have taken ownership of that. From the point of view of probation services and of the voluntary sector, in particular, is there any merit in exploring further that approach to non-judicial prosecutions and diversion tactics?

Max Rutherford: In England and Wales there are already a number of very good schemes of that kind. Most of them tend to be run through integrated offender management schemes with the police. Indeed, there are a number of summary justice measures, led by police and crime commissioners, focused specifically on the young adult age group. That has a direct knock-on effect in reducing demand in courts and, subsequently, in community sentences. There is much more potential to do that, and if it were part of a central strategy around this age group, it would give a much clearer mandate to local areas that it was the right thing to do, rather than just something that happens—as it does at the moment—in areas that are enthusiastic about it.

Q478 Mr Hanson: Do you have any evidence that gives an indication of the reoffending rates following movement through that type of scheme?

Max Rutherford: At the moment, we have six projects across England that are subject to an outcomes evaluation. We are hoping to have the first wave of reconviction data later this year, subject to the data lab in the Ministry of Justice being able to provide it. Some of the other initiatives that I have mentioned—for example, with police and crime commissioners—are linked up to IDIOM, which is the national police live offending tracking data system. They have been able to report measurable, substantive reductions in reconviction rates. I can send a note updating you on where those schemes are, so that you can contact them for that information.

Angela Cossins: Often—erroneously, some would say—those are described as restorative justice approaches, although not restorative justice with a capital R and a capital J. It has been very much part of the practice of probation over many years to work with the police on IOM schemes, as part of an IOM approach. There has been quite a lot of evidence—with a small e—that these approaches are well worth exploring. From an integrated offender management point of view, we are very much engaged at local level with schemes that are working through some of those processes.

Max Rutherford: One of the real advantages of those sorts of schemes is that it is not about letting young adults off; it is actually about a much more immediate consequence to the offending. In instances of out-of-court summary disposals, there is a much shorter time delay between offence and intervention. Young adults, who sometimes have issues with forward planning or impulsivity, can see much more directly the consequence of their offending than if they had to wait six months for a trial.

Professor Williams: I am thinking about examples internationally. In New Zealand, Judge Becroft brought about an overhaul of the criminal justice system around young adults. I am not sure whether they have data yet, but I can be in touch to find out. They have taken account of maturity and neurodisability and looked both at sentencing policy and how that influences how long a young adult is in prison, and at what kind of community support is needed and how sensitive to various cultural factors it would need to be.

There may not yet be a lot of data around the influences of interventions for the groups I am particularly interested in—groups of significant interest to you, I imagine—as it is relatively early days. However, the level of reoffending and risk of suicidality and self-harm is so significant where there is neurodisability and adversity that it is very likely that interventions to try to address those issues will lead to reductions in reoffending in the long term.

Q479 Victoria Prentis: Is the research on maturation and criminal behaviour applicable only to young men, as was suggested earlier?

Professor Williams: No. The research is across gender. There is a lack of research in general around girls and women who offend, for reasons I am sure you are aware of, but there are particular issues. There is some very interesting work coming out of America around early sexual abuse, traumatic brain injury and so on in both genders, especially in young women. There is a host of factors. You are right to be thinking about the adversity issues. I was pleased to hear earlier that there is a move towards understanding trauma in the lives of young women who offend. That needs to be transferred over to young men as well.

Q480 Victoria Prentis: Would you agree?

Max Rutherford: Yes. Earlier I sent the Committee a report we have recently published on the management of young adult women in prison, where there is no distinct approach at all, even notionally, at 18-plus. We found a number of differences between young adult men and young adult women, in terms of their life experiences. One is that young women are quite likely to be mothers themselves. The impact on the children is much greater, because in nine out of 10 cases when a young mother goes to prison the child goes into care, compared with one in 10 cases when a young man goes to prison.

The other issue is trauma. Although many women in prison will experience trauma, particularly domestic violence, because young women are much younger in age, they are much more likely to have experienced it very recently, so that traumatic experience is very raw. That has a direct impact in custody.

Professor Williams: There is an additional point. You hear mention of how the brain matures at various points and of the incredibly important early years—the first three years. There is a very good review just out on the effect of trauma across childhood and adolescence and the differential effects on brain development, depending on the level of trauma that young women and young men have experienced. It goes on throughout the teenage years as well, because you get heightened levels of fight or flight and, therefore, increased chances of risk-taking behaviour. Earlier, the phrase “being spontaneous” was used. That is because you are a risk taker, and are impulsive, to get out of danger. One

factor in drug misuse issues is self-medicating. We find that neurodisability, for example, is associated with greater degrees of drug taking, which is largely about self-medicating.

Q481 Chair: I understand that. We have talked a lot about what we did by way of disposals beforehand. In terms of the Government's prison reform agenda, for example, are there things that you think should be incorporated? There is the distinctiveness of the estate. We are, hopefully, trying to make sure that women do not go into custody unless it is absolutely unavoidable, for all the reasons we have talked about. Are there more things that should be taken on board?

Professor Williams: Yes. It is absolutely vital. Lord Harris's review proposed having somebody in a role to co-ordinate care, and thinking about co-commissioning with the NHS and ensuring that there are better ways in which we can intervene. We should utilise the interventions and treatments that have been developed in general healthcare systems around managing mental health issues, brain injury issues and all the rest of it. Linking that to the care of young adult offenders is vital. It is incredibly important not just to provide that care within prison environments but to think about the resettlement process. Half of young adults who offend are likely to be back in prison within a year and 75% are back within two to three years, so it is incredibly important to ensure that there is continuity of care and that there are proper links in communities. With the new CRCs now in place, it is important that they take on board how to address vulnerabilities and that they are appropriately resourced to take on these young people, so that they can both influence the right packages of care, which are determined at the point of sentencing, and ensure that they are followed through and nothing is lost in the system. Quite often an individual somehow ends up in a system where they do not really know what is going on, because of the various issues in their lives, and nobody seems to co-ordinate their care effectively.

Max Rutherford: We welcome the notion that prison governors might have more autonomy. I do not think that would include being able to define the age range that they would have or, indeed, the numbers being sent to the prison. Those are two problems with autonomy. We would be interested to see a pilot prison for young adults as part of that process.

I want to pick up on a comment that was made earlier about safer custody suites and Lord Harris's review, because that is really important for the new prison reform programme. We feel strongly that containing young adults in their cell for 23 hours a day, albeit perhaps in cells where there are fewer ligature points from which to hang themselves, is not going to keep—

Q482 Chair: It is tinkering around the edges a bit, isn't it?

Max Rutherford: It is not going to keep staff safe and it is certainly not going to achieve positive outcomes post-release. We think that is really the place to start, rather than thinking of ways in which governors might have more autonomy over health commissioning, vital as that is.

Q483 Chair: What about the bit that may not be custody but where we are trying to look at alternative disposals? I am thinking of the sharing of data between the various agencies—all the things that might prevent us getting there in the first place. What is your sense of how

adequate that is, or is not, between, for example, NPS and the CRCs, which we have not talked about very much with you?

Angela Cossins: We know that sharing data is critical. I am confident that we have the right processes in place to ensure that the agencies that are involved with a young person are able to share data. When we have had individual cases where that has not happened sufficiently—clearly, there have been some—or when we identify that there is a glitch in the system that we are operating, we are very quick to want to address that and to ensure that we improve the information sharing. At the heart of how we understand working with this younger age group, in particular, is collaboration between the various agencies, which are all important and really need to have a shared understanding of the young person, from the various perspectives from which they come to that work.

Q484 Chair: Do you see particular barriers that make it harder for NPS to achieve that? Are there things that people would like Government to do differently around that?

Max Rutherford: We have seen some really excellent examples of data sharing and information sharing at a local level, particularly where there is enthusiasm for working with this age group. It has been really impressive to see. As I mentioned earlier, what is holding some of that back is the sense that there is not a leadership role—a central strategy driving this agenda forward. This is anecdotal, but when I do the rounds of meetings, I find that this inquiry is seen as playing that leadership role, to some extent. It has given impetus at local level to taking some of this work forward. Beyond this inquiry, people really want to see a response from the Government to show that they are taking this agenda seriously and that they are going to redefine young adults as those aged 18 to 25, because that is what practice is doing already.

Q485 Chair: How fundamental would you say it is, essentially, that we take away that the definitions are wrong at the moment?

Professor Williams: In terms of age?

Chair: Yes.

Professor Williams: Yes, at the moment they are wrong—just having the chronological age of 18 and 18-to-21. We need to think about the maturity issue and the factors that influence maturity, and how that influences the person's ability to change their behaviour. What has been missing, seemingly, in the process is the word “rehabilitation”. As Lord Harris indicated, we need a stronger sense of philosophy around what it actually means to enable people to change behaviour. To enable people to change behaviour, you need to understand what factors limit their ability to do that—impulsivity, memory problems, drug factors and so on. The Committee's review is a very helpful exercise, which is, as Max suggested, providing leadership. It is important to have a strategy around managing the integration of agencies and better interdisciplinary working for this very vulnerable population.

Angela Cossins: From an operational and an operational leadership point of view, the two key pieces of work that we have achieved in the last 12 months, since becoming the NPS, set a framework for demonstrating interagency work. The first is the protocol Mr Allars spoke to you about when he gave evidence a few months ago, which is published and is

now operating. There is a very clear expectation on all those involved in transitioning an individual young person from a youth offending team to the adult world, be it to the CRC or to the NPS, and a much more structured focus. That gives absolute clarity and, I hope, the message that we see this as an important area of work. We have put energy into that. The second one is the partnership framework that we have agreed with the Youth Justice Board, which clarifies the role of the probation service in youth offending teams.

I am aware that it is early days. Having inherited 35 very different ways of operating and having taken on the role of looking at our work with young people, on behalf of Mr Allars and the NPS, I see the priority as making sure that we have a steady state and the right building blocks and foundations to work consistently with the people we have statutory responsibility for. Both documents went live only in the last few months, one of them very recently. We now have a consistent framework for resourcing YOTs and that provides us with the operational leadership building block to be able to take that work forward.

Q486 Marie Rimmer: Ms Cossins, you talk about consistent staffing levels for YOTs. Have there not been significant cuts in funding for YOTs at local level? What impact has that had on multi-agency work and the outcomes for young people?

Angela Cossins: We inherited 35 very different ways of resourcing. Some former trusts did not deploy any probation staff to YOTs, while some deployed large numbers. In terms of cash contribution, some were giving absolutely nothing and some were giving quite significant sums of money, and those large sums of money were used in very different ways. We inherited a very mixed picture. Our objective was—

Q487 Marie Rimmer: Was that the funding from probation?

Angela Cossins: That was the funding from the probation trusts, as formerly holding the statutory responsibility.

Q488 Marie Rimmer: What about the funding from local government to YOTs—to the actual YOT teams?

Angela Cossins: NPS does not have responsibility for that area.

Marie Rimmer: No, but have you seen any impacts on the multi-agency work? Is less coming forward from local government level—from local communities?

Angela Cossins: I have not seen anything on the impact of that that I can contribute to the Committee.

Marie Rimmer: I understand that.

Q489 Chair: That is fair enough. It has been an extremely helpful session. Is there any bit of the Harris report that any of you would not implement?

Max Rutherford: There are some areas of the Harris report particular to coroner work, which is outside our area of expertise. I cannot really comment on that.

Chair: You would not comment on that.

Max Rutherford: We welcomed the Harris report and we will work closely with it. The principle of enshrining the concept of maturity in a statutory framework in legislation is absolutely right. The recognition that all young adults in custody are vulnerable, by the very nature of their age, is essential, as is the definition of young adults as 18 to 25. Those are our three key areas of alignment. We think that CARO is a very interesting idea and a model worth exploring, rather than rejecting outright, but there are perhaps other ways that the estate could be configured whereby the staff within it can support young adults.

Q490 Chair: Professor Williams, do you have anything to add?

Professor Williams: Yes. I would add something about trying to identify some of the vulnerabilities that underpin the problems that these young people have. For example, we show that suicidality and self-harm are often associated with traumatic brain injury, as I have mentioned. It is about identifying the vulnerabilities that lead to young people having extreme personal forms of distress.

You have heard about the structures in prison; at the moment, in some places, they still leave people isolated and despairing. If not a CARO-type worker, there needs to be somebody empowered to connect with and relate to young adults, to enable them to identify goals in their lives that would give them more meaning than ending up back in the criminal justice system in future. When you hear about governors who take more local leadership of these issues, that is a wonderful idea. They may be able to empower their workforce to identify those key areas, to give people goals and the skills to achieve those goals, so that they can be resettled out of those environments into more productive lives.

Chair: Autonomy can be good in this context, but there is still a statutory framework issue that we are interested in. Thank you very much for your time and your evidence, which you gave in a very concise and clear way. We got through a lot of very big issues. My colleagues and I are very grateful to you.