



Response by the Transition to Adulthood Alliance (T2A) to the Independent Review into Self-Inflicted Deaths in NOMS Custody of 18-24 year olds

About the T2A Alliance

Young adults (aged 18-24) constitute less than 10% of the population, but are substantially over-represented in criminal justice services, accounting for more than a third of the police and probation services' caseloads, and almost a third of those sentenced to prison each year. With the right intervention, young adults are the most likely age group to desist and 'grow out of crime', while the wrong intervention at this time can slow desistance and extend the period that a young adult is involved in crime.

T2A develops evidence through research and demonstration projects to identify effective approaches for young adults throughout the criminal justice process. It is an alliance of thirteen of the leading criminal justice, health and youth organisations (**Addaction, Black Training and Enterprise Group, Catch22, Centre for Crime and Justice Studies, Clinks, Criminal Justice Alliance, the Howard League for Penal Reform, Nacro, The Prince's Trust, Prison Reform Trust, Revolving Doors, The Young foundation, and Young Minds** – N.B. this T2A response does not necessarily reflect all policy positions of individual Alliance members and some members will additionally submit their own responses).

Its Chair is Joyce Moseley OBE, and it is convened by the **Barrow Cadbury Trust** (an independent charitable foundation). T2A has contributed to positive change in policy and practice and a central and local level, and its evidence has informed service redesign and delivery nationally and internationally. T2A's work is framed by the concept of the 'T2A Pathway', which identifies ten exit points and stages of the criminal justice process at which effective interventions for young adults can be delivered by statutory agencies and service providers. T2A's 2012 report, *Pathways from Crime*, proposed recommendations at each stage of the Pathway for criminal justice agencies.

Building on the experience of three T2A pilots that informed probation and youth offending practice in the management of young adults serving community sentences, the T2A Pathway was launched in early 2014. Six new projects running for the next three years (led by **Advance, Remedi, Together, The Prince's Trust, PACT and Addaction**) will demonstrate how multiple interventions might be commissioned and delivered as a 'whole pathway'. The projects will all deliver voluntary interventions in parallel to statutory interventions, including provision of mental health support, restorative justice, drug and alcohol treatment, family engagement and help with finding employment, and have enabled partnerships between charities and the police, courts, probation and prisons. The projects are all co-funded by Barrow Cadbury Trust and a range of statutory partners, from Police and Crime Commissioners to prisons and local authorities.

N.B. the T2A Pathway projects are all available to host visits by Panel members to inform the Review. Please contact us if you would like to arrange a visit (more information about these projects is available at www.t2a.org.uk/pathway).

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Part 1: Introduction

“Young adults [in the criminal justice system] are very needy. They’re very vulnerable. They haven’t had good role models. They often have chaotic lives, and lead very hard to mouth existences. And some of them, despite their age, are amazingly unskilled at coping with adult responsibilities.”

Project worker, cited in [Oxford University formative evaluation](#) of the T2A pilot projects (2011)

T2A welcomes the opportunity to respond to this important Review. There have been 46 self-inflicted deaths of young adults aged 18-24 since 2011 and nine so far this year (with another awaiting classification).

T2A’s expertise is drawn from a substantial and growing evidence base on the distinct needs of young adults involved in crime, built through research and demonstration of effective interventions on the ground. T2A’s remit covers all of the criminal justice process, and our work aligns to the ten stages set out by the ‘T2A Pathway’.



Figure 1: The ‘T2A Pathway’

Since 2008, T2A has undertaken a substantial programme of work to examine the distinct characteristics and vulnerabilities of this age group in relation to the T2A Pathway, underpinned by the concept that ‘maturity’ is a better guide to a young person’s transition to adulthood than their chronological age. In this response, therefore, our focus is on part 1 of the Review’s consultation paper (‘Identification of vulnerability’), which draws on our expertise and evidence base, rather than on operational policies and procedures within the prison estate.

T2A has examined the conditions and current practice of prison estate for this age group and is currently working with INQUEST (in a project funded by the Barrow Cadbury Trust) to examine the case files of young adults who have died in prison since the publication of *Fatally Flawed* in 2012. Early findings from this project will be presented and fed into the Panel by INQUEST later this year.

We are pleased that the terms of reference for the Review are broad, and that the Review is interested in examining the characteristics of young adults who commit crime and keen to identify good practice for this group both in and out of custody. T2A is encouraged that the age range of focus (18-24) goes beyond the definition of young adults within a Ministry of Justice context (18-20), a decision that aligns well to the evidence base, as we will outline in this submission.

Part 2: Summary of the T2A response

The transition process

- The transition to adulthood is a process, not an event, and does not begin and end on a person's 18th birthday.
- Conversely, around the 18th birthday, at a time of maximum risk and vulnerability, legislative frameworks and statutory expectations change in a binary fashion that does not reflect an individual's preparedness.
- Transitions between child and adult statutory services are particularly poor, and routinely fail to take account of the distinct needs of young adults.
- 19 is the peak age of offending behaviour (for males), but is also the age at which youth-focused services end.
- In the adult system, the consequences of offending and breach become more punitive, while at the same time access to supportive services such as mental health, supported living, youth work, education and drug treatment change in nature or cease.
- Yet with the right intervention, one that takes account of young adults' distinct needs, this is the most likely age group to desist from crime.

Taking account of maturity

- Developmental maturity is a better guide to someone's stage in reaching adulthood than their chronological age.
- Neuroscience has identified that the functions linked to 'temperance' (impulse control, rational thinking, empathy) are not normally fully developed in the adult male brain until the mid-20s.
- Maturity should be taken into account at all stages of decision-making, and some progress has been made to date by some criminal justice agencies.

Vulnerabilities

- There are particular vulnerabilities that affect a young person's maturity, including drugs, alcohol and mental health problems.
- The uncertainty and shortage of safe, stable and suitable accommodation is also a significant challenge for young adults.
- Support for these issues normally involves youth to adult transitions between services beyond any criminal justice interventions, and these transitions are often turbulent and poorly planned (e.g. child and adolescent mental health services to adult mental health services).
- Many young adults involved in crime have acquired brain injuries, and in these cases they are even less likely to reach full neurological development by their mid-20s.
- There are particular vulnerabilities arising from a young person's gender and ethnicity, and these require specific attention within and beyond the context of young adulthood.

What works for young adults?

- Very few current criminal justice responses take a distinct approach to young adults.
- Outcomes for criminal justice responses for young adults are very poor (both in the community and following custody) and young adults have the highest reoffending and breach rates of all sentenced adults.

- Outcomes from interventions for young adults are best when services are based on providing a consistent, trusting relationship and an approach that is strength-based and solution focussed.
- Young adults respond least well to services that are overly regimented, punitive and punishment-focussed.
- A distinct approach for young adults is effective in reducing offending behaviour and breach of requirements, and contributes to positive social outcomes such as higher rates of employment and better health.
- Services for young adult women are most effective when they take account of both age and gender specific needs.

Criminal justice interventions for young adults

- Young adults represent 10% of the general population but account for 30-40% of the criminal justice caseload (policing time, probation work, and prison entries).
- They have the highest reoffending rates of any group (75% reoffend within two years of release from prison), and the highest breach rates of those serving community sentences.
- Distinct and effective interventions for young adults can be implemented at all stages of the criminal justice process, from point of arrest through to release from prison.
- The CPS and sentencers now take maturity into account in decision-making for adults.
- There are very limited options available to sentencers for a distinct young adult sentence.
- The changes to probation services are likely to result in a huge variation and inconsistency in the provision of a distinct approach for young adults.

Young adults in custody

- Although notionally there is distinct provision for 18-20-year-old young adults in custody, this is woefully under-resourced.
- Any distinct provision that remains continues to be eroded by cuts and a lack of leadership from central government.
- Many prison governors and staff want to provide an effective regime, but are being hampered by policy confusion, continual estate reorganisation and untenable resource pressures.
- Levels of violence and self-harm among young adults in many designated Young Offender Institutions make meaningful engagement in purposeful activities almost impossible.
- HM Inspectorate reports of adult prisons holding young adults on remand (the setting where the majority of deaths of young adults in recent years have occurred) have consistently found a lack of strategic approach to young adults.
- Specific provision for young adult women in prison is very poor in most establishments.
- Legal aid cuts mean that it is almost impossible for young adults to receive free representation while in prison for anything other than release date appeals.

Young adults in custody: The way forward

- Other jurisdictions respond differently to offending by young adults, such as in Germany where the courts choose either juvenile or adult law for young adults on the basis of the maturity of the individual and their distinct needs.
- There is great social and economic gain to be made by implementing a distinct approach for young adults, and this can be realised within existing budgets and legislation.
- However, legislative and system change would make this more efficient, and there is worth in considering extending the youth justice system to an older age group.

Part 3: The transition to adulthood process

The transition to adulthood is a process, not an event, and does not begin and end on a person's 18th birthday. In demographic terms, young adults face a range of transitions as they move towards adulthood. These include the move from education to employment; forming a long-term relationship and becoming a parent; and living independently. In recent decades, there has been a significant shift in the age at which the traditional social milestones of adulthood are reached. For example:

- In 1971 the average age of first marriage was 25.6 years for males and 23.1 years for females. In 2004 this average had increased substantially to 31.4 and 29.1 respectively.
- The average age of the mother at the birth of her first child rose from 23.6 to 27.6 between 1971 and 2006.
- The age at which young adults leave the family home has increased. In 2006, 58% of males and 39% of females aged 20-24 were still living in the family home, compared to just 50% and 32% in 1991.
- The 'staying on rate' for post-16 education in England has more than doubled from 38% in 1970 to 78% today, with 40% of young people now going to university rather than the labour market.

Most legislation and statutory services in this country adopt an arbitrary determination that those over the age of 18 are 'adults', while those a day younger are 'children'. This binary switch is out of step with the latest evidence, and fails to recognise changes in broader society in recent decades.

For young people receiving statutory services around their 18th birthday (such as care leavers, those with mental health problems, and particularly those who for whatever reason do not have the family support and networks that most young people still rely on), this is a time of maximum risk and vulnerability, when legislative frameworks and statutory expectations change in a binary fashion that does not reflect an individual's needs or preparedness.

Young adults with complex problems often face the additional challenge of multiple transitions between services and systems. Often these young people fall between the gaps, when they lose the very support or intervention that might help them make a smooth transition to adulthood and, perhaps as a consequence, this is also the time when young people are most likely to come into contact with the criminal justice process.

T2A's primary focus is on the transitions between child and adult justice services, which are generally very poor and routinely fail to take account of the distinct needs of young adults. As young adults move between the youth and adult criminal justice systems, the level of support and resource typically drops dramatically, as does the suitability of services to meet their needs. In the community, the consequences of offending and breach become more punitive, while at the same time access to supportive services such as mental health, supported living, youth work, education and drug treatment change in nature or cease entirely. Some progress has been made in the community to improve transition arrangements between youth offending teams and adult probation.

Case Study: Youth to adult transition was addressed in practice by the [T2A pilot project in Birmingham](#), led by Staffordshire and West Midlands Probation Trust

It was identified that the transfer of cases from youth offending teams to probation was complicated and time consuming for both services. Young people were often moved from youth offending teams

to probation trusts through administrative procedures with very little direct communication between the services and the young people through the transition period.

A protocol was developed with the option of implementation throughout local services, whereby a young person prior to their 18th birthday was assessed, supported and transferred across to probation following a three way meeting that could also involve voluntary sector and other service providers, as well as family members. Expectations were clearly set out, and the young person was assisted to understand what would be different about adult services. In some cases, probation staff seconded into the youth offending team were able to move with the young person as their management shifted across to adult services, thereby ensuring consistency and continuity of relationship.

The **Birmingham T2A** protocol was highlighted as best practice in a number of official reports, including the [HM Inspectorate of Probation's thematic report on transitions](#), and the [Riots, Communities and Victims Panel final report](#). In 2012 the Ministry of Justice and Youth Justice Board published the '[Youth to Adult Transitions Framework](#)', which was in part based on the Birmingham T2A pilot, and which is now being rolled out nationally, although there is uncertainty of the impact of Transforming Rehabilitation on the implementation of the Framework.

In addition, T2A has identified a range of services that demonstrate effective working with young people in the transition to adulthood, and services that enable a smooth transition between agencies. For more examples see the reports by **Clinks ([Going for Gold](#))** and **Young People in Focus ([Made to Measure: Bespoke Services for Young Adults](#))**.

Although progress has been made at a community level to improve the transition between youth and adult justice services, T2A is greatly concerned by the poor provision for effective transition between youth and adult custody. The contrast between youth and adult custodial services are even more stark than in the community, with a wholesale change (normally for the worse) to staffing levels, environment, distinct approach and care services (see below a section on young adults in custody).

Part 4: Taking account of maturity

T2A's work is based on an extensive and growing body of evidence that a young person's maturity is a better guide to their stage in reaching adulthood than their chronological age and that the maturity of young adults should be taken into consideration at all stages of criminal justice decision-making.

T2A welcomes the Harris Review's inclusion of 'psychosocial maturity' as a factor for consideration in its consultation. However, we believe that 'maturity' has a broader application (psychosocial, developmental, neurological) and is not a single vulnerability (as listed in the consultation). Rather, it is the variable, dynamic and developing maturity of this age group that underpins the entirety of what makes young adults a distinct group compared to children and older adults.

T2A believes that a young person's vulnerabilities and needs will affect and be affected *by* their maturity, and their maturity will impact on their behaviour as it relates to their cognitive ability, such as their decision-making, empathy and ability to avoid risks.

An extensive literature review on the concept of maturity in a criminal justice context by the **University of Birmingham** in 2011 found that evidence from multiple disciplines (including criminology, psychology and neurology):

"Points emphatically to the inappropriateness of an arbitrary age limit as the key factor determining the kind of judicial response an offender should receive, and that in the young adult group, the level of maturity exhibited by an offender is a valid factor to be considered within the legal process".

Key findings of the research:

- *Neurological research identifies that brain development continues into early adulthood; the human brain is not 'mature' until the early to mid-twenties.*
- *Psychological research identifies 'temperance' (the ability to evaluate the consequences of different courses of action before making a decision to act in response to the assessment of a situation; to limit impulsivity and control aggressive responses and risk-taking) as the significant maturity factor, which continues to influence antisocial decision-making throughout young adulthood.*
- *Criminological research has shown that many young adults will 'grow out of crime' if the right support structures are in place.*
- *The level of maturity exhibited by a young adult offender should be considered within the legal and sentencing process.*
- *Having an arbitrary age limit as the key factor for deciding between a juvenile or adult judicial response for a young adult offender is emphatically inappropriate.*

Perhaps the most important finding was that:

- ***The abrupt termination of services for young people as they become legally defined adults is highly criticised, and should be countered by the creation of young-adult specific support systems that are both developmentally appropriate and socially inclusive.***

In response to this emerging and growing evidence over the last two years, criminal justice agencies have begun to take the maturity of young adults into account:

- The **Sentencing Council for England and Wales** now includes, since 2011, 'lack of maturity' as a mitigating factor in the sentencing of adults. This was the most cited factor by the judiciary in sentencing decisions for young adults in 2012;
- The **Crown Prosecution Service's** 2013 Code of Conduct includes, for the first time, 'maturity' as a factor for consideration in culpability decisions on whether to charge a young adult within its public interest test;
- More than 11,000 copies of T2A's 2013 'practice guide on taking account of maturity' for **probation** practitioners have been requested by probation areas, and are being used across England and Wales to inform pre-sentence reports and young adult appropriate sentence plans;
- More than a dozen probation areas, including the four biggest (Greater Manchester, Wales, London and Staffordshire and West Midlands), have commissioned Trust-wide services that are specific to young adults, recognising that doing so ensures their services are more effective and cost-efficient;
- The **Youth Justice Board** is rolling out its 'Youth to Adult Transitions Framework' across England and Wales, to ensure more effective transitions between youth offending teams and adult probation services; and
- Many **Police and Crime Commissioners** have specifically commissioned young adult services in their areas to address the particular needs of this age group.

These developments have primarily been driven by practitioners because the evidence for doing so is now so strong, and because budget pressures demand smarter ways of working effectively. By contrast, the Ministry of Justice has not produced a comprehensive strategy for young adults, and even proposed abolishing the one existing distinct element of the custodial estate (Young Offender Institutions) in late 2013 (see below).

Part 5: Vulnerabilities of young adults

The transition to adulthood is affected by multiple transitions. Particularly problematic are the transitions related to support services providing drugs, alcohol and mental health support. T2A welcomes the recognition by the Review consultation of the extensive range of vulnerabilities that relate to young adults, and below we outline the evidence that T2A has accrued on some of these factors. Those we do not specifically address in this response (such as physical limitations, trauma, communication ability) are important, but are areas where T2A has less evidence and feel they are better responded to by others.

a) Mental health

Young people involved in the criminal justice system are very likely to have mental health problems, particularly in relation to depression and anxiety. Singleton et al. in the late 20th century found that 95% of young people in custody had a mental health need, and:

‘The vast majority, over 96% in all groups, had experienced at least one stressful life event and about a two fifths had experienced five or more’

[ONS 1997, Psychiatric Morbidity among Young Offenders in England and Wales.](#)

Early adulthood is also the peak age for emerging personality disorder, which affects a small minority of young people, but is more prevalent in young people involved in crime. Binge drinking and cannabis use, relatively common among young adults, can exacerbate these problems.

Yet despite the level of need, there is inconsistent but generally poor mental health provision for young people across the country, and the transition to adult services from child and adolescent services is particularly awful. Even when young people do make it to adult services (most are turned away), their needs are rarely met adequately and service provision is rarely appropriate or tailored to their clinical and social needs.

A report for T2A on the links between mental health transitions and crime by **Young Minds and City University of London** in 2013 found that:

“Despite the numerous reports, enquiries, policy documents, expert reference groups, working parties, consultations, white papers, Bills, Acts of Parliament and changes of government, we are still repeating the same old story - that the provision of mental health services for young people at risk of or engaged with offending behaviour is woefully inadequate.”

Interviews with young people involved in crime about their mental health needs found that:

- There is still a gap in service provision between young people’s and adult mental health services meaning many young people are slipping through the net and lacking support at a vulnerable time in their development.
- Waiting lists are too long resulting in young people self-medicating with drugs and alcohol while they wait to access services thus exacerbating their mental ill health and offending behaviour.
- Rigid criteria for mental health services means young people have to be enduring a severe and debilitating mental illness before they can access any type of help or support.

- If a young person manages to receive support, it is largely centred on medication. Following prescription, young people are left lacking medication reviews, support or intervention.
- In the rare occasions where intervention extends beyond medication, professionals have little time for young people and a high turnover of staff means a lack of staff continuity making it difficult for the young person to establish rapport or trust.

In relation to young people with criminal convictions, some professionals interviewed described a discriminatory service provision in some areas where professionals saw the crime first and the young person and their mental health needs second. At the same time, professionals working with young people felt their problems could often be predicted meaning young people could undoubtedly benefited from early identification services, had they been offered.

Provision in custody is an exacerbated version of the picture in the community, with far higher concentrations of need and fewer resources. The environment in custody is, in general, wholly incompatible with mental wellbeing and is not a suitable setting for clinical treatment. As a result, mental health treatment in prison for young people is largely through medication, and often results in the use of segregation units to contain mental health problems rather than address them.

The transfer of information in from the community to prisons is also very often poor or non-existent, meaning that many young people that have significant histories of mental health treatment in the community are not identified as having a need once they enter custody. This has been an all too frequent finding of recent inquests of deaths of young adults in prison.

For prisons, the opportunities to provide excellent care are always in tension with constraints of the environment and a prison's primary functions. However, there are some immediate changes that would make a big difference if implemented in all prisons that hold young people. These include:

- Prisons can ensure that young people with mental health problems are identified as soon as possible, and given appropriate, young adult specific support. This includes suitable access to health services and rehabilitation services offered within the prison, or externally where necessary, both for prisoners with common mental health problems and those with more specialist needs, including personality disorders.
- Prisons can ensure relationships and joint working exist with the relevant health services, local authorities and community organisations to support prisoners on release.
- Support should be offered 'through the gate' as part of resettlement plans to provide as much continuity as possible into the community.
- The Ministry of Justice and the NHS must take account of the prevalence of serious mental health issues among people in custody.
- While some people with mental health problems do need to be in prison, sufficient NHS services must be commissioned to meet their needs to ensure 'parity of esteem' that the NHS in committed to is found both in and outside of prison.
- It is also essential that all young people who transfer from youth custody to adult prisons are assessed for mental health needs and that they have their needs addressed from day one, given how vulnerable this particular group is following transfer.

N.B. in May 2014, the Centre for Mental Health produced a [briefing paper focussed on the mental health needs of 18-24 year olds](#) in the criminal justice system, which has a range of practical recommendations to address the key problems faced by this group and the services that struggle to meet their needs.

b) Accommodation

We feel that accommodation should be included in the list of vulnerabilities, given how regularly young people inside and outside prison identify it as both an important and problematic issue for them. Moving out of the family home is a key part of becoming an adult for most young people and even those who are relatively settled at home tend to express a desire to move in the near future. Young adults typically move in and out of accommodation faster than other age groups because they tend to leave the parental home without the resources to settle down and move on to the housing ladder.

Research on the factors that reduce reoffending by young adults has found that housing comes up as a key factor in desistance (pre and post custody), both in providing a key source of stability, and having the potential to move people away from the negative influence of peers. For young adults who were involved in gangs, moving area was frequently seen as the only way to cut ties.

Yet the availability of accommodation for young people is limited, both in terms of affordability of home ownership, in the private rented sector, or in social housing. Young people with criminal convictions are often placed lower in the priority ladder by local authorities, and some young people who have been in prison are considered to have made themselves 'intentionally homeless' and therefore lose any accommodation they might have secured previously.

One young person interviewed during the [evaluation of the T2A pilots](#) described how the uncertainty of the placement process affected his ability to move forward:

"There's not much anyone can do, I'm on the waiting list and that's it. I'm supposed to be getting my placement soon. A placement should be found and then I can get back on with my life. I think that's probably why I'm so stressed out as it is. I have too much to think about and that, I can't really get things going if I don't have somewhere permanent to be at, so it's hard."

Prison (like police stations) is frequently used by criminal justice agencies as a 'place of safety', who may believe (in some cases legitimately) that there is no safe 'alternative' accommodation available for a young person. Denying an individual their liberty because of a lack of suitable alternative services should never be an acceptable solution. The current lack of alternative safe and supported accommodation for troubled young people is a national crisis, and one that has been shown to have a causal relationship to an increase in the risk of further mental health problems and offending in young people.

There is also a link between uncertainty around accommodation and mental health issues. One key-worker at a project supporting young adults interviewed by **Young Minds and City University of London** as part of the T2A study on mental health transitions spoke specifically about the implication for a young person of a lack of both accommodation and mental health provision:

"One of the people I was working with had no accommodation. He was a young lad leaving care, I think he was 19. He said 'I'm going to kill myself or I'm going to commit an offence'. He felt they were his options. He went out and burgled a family member's home, and he was sent back to custody and remanded. He did get released from custody but then was re-arrested the next day for being under the influence of alcohol and assaulting a police officer. He also self-harmed very badly. Unfortunately a really traumatic incident happened to him in custody the previous time, which he disclosed to his solicitor who disclosed it to the judge, who on that basis said that he wasn't going to send this young person back to custody because it wasn't a safe place for him".

c) Drugs and alcohol

Drugs and alcohol-related problems are often contributory factors for young adults in terms of the most common crimes committed by this age group, either as crimes committed to fund a habit (theft, robbery) or crimes that are fuelled by narcotics (assault, dangerous driving, drug dealing). Yet drug and alcohol services for children (e.g. treatment for binge drinking, low level poly-drug use) are worlds apart from those aimed at adults (e.g. treatment for long-term hard drug injection addiction), and are rarely accessible, appropriate or safe environments for young adults. It is a similar picture in prisons, where young people's drug and alcohol needs are often overlooked because there are more pressing, acute needs of older addicts (e.g. alcoholism treatment, methadone treatment for heroin addictions).

A T2A pilot that ran from 2009-2012, led by **Young Addaction Derby**, sought to address the transition between youth and adult services and the lack of appropriate drug services for young adults. Its transition service, tailored specifically for 16-25 year olds, [was found by an evaluation to meet the needs of this group very effectively](#), and has since been mainstreamed by the local health provider. It also showed the need to provide a distinct young adults service that was distinct from both the child and adult services:

"18-year olds, even though they might not be ready for adult treatment services see themselves as very different to being 17. As soon as you have your 18th birthday, you see yourself as an adult. You might not be one. You might not be mature enough to be one. But you definitely see yourself differently, so there has to be a clearly perceived line in the service." (Project Manager)

There is much more that can and should be done in both the community and prison for young people to meet their drug and alcohol needs. A number of Police and Crime Commissioners have given both young adults and drug/alcohol needs some attention (e.g. Essex, Northamptonshire, Leicestershire) in their crime plans, recognising the close links of this age group and these issues to the night-time economy (where young adults are both the most likely victims and perpetrators of alcohol and drug related crime).

Some of the young adults who have died in custody in recent years were serving sentences or on remand for relatively minor offences that did not require them to be in prison. The new T2A Pathway projects based in Rotherham (focussed on mental health) and Liverpool (focussed on drugs and alcohol) offer two models of best practice for the police and courts to divert young adults into treatment rather than a community sentence (see www.t2a.org.uk/pathway).

d) Brain injury

Brain injury is not included in the Review consultation's list of vulnerabilities, but should be considered. A review of research conducted for T2A in 2012 by the **University of Exeter** found that:

- There is compelling evidence of a very high prevalence rate of traumatic brain injury in offenders in custody relative to the general population.
- A study of young people in a Young Offender Institution in England found that 60% reported some kind of 'head injury' (around ten times the rate of the general population), with 46% of the sample reporting loss of consciousness (and therefore some level of brain injury).
- Research has also shown that there are certain factors that make brain injury and offending more likely, such as social deprivation, risk-taking behaviour and addictions.

- Young people that have head injuries in childhood are even less likely to reach full neurological development by their mid-20s, and may not become fully mature.
- Adults who were younger when they acquired their head injury had higher rates of depression or mood disorder and /or childhood developmental disorders including Attention Deficit Hyperactivity Disorder (ADHD) or disruptive behaviour difficulties.
- Research has found that a brain injury acquired during childhood or adolescence was associated with a fourfold increased risk of developing later mental health problems in adult male offenders.

In recent years, repeated calls have been made for better means of meeting the mental and physical health needs of prison populations, not only to improve individual wellbeing, but also as a way to divert those with underlying health problems into appropriate services at multiple stages in the criminal justice process, to reduce reoffending among this 'revolving doors' population, and importantly to reduce costs.

Yet it is rare that brain injury is considered by criminal justice professionals when assessing the rehabilitative needs of an offender. Recent studies from the UK have shown that prevalence of TBI among prisoners is as high as 60%, and brain injury has been shown to be a condition that may increase the risk of offending. It is also a strong 'marker' for other key factors that indicate risk for offending.

The links between TBI and crime may be complex, but three key themes have emerged in recent research:

- There is growing evidence of links between incurring a TBI and subsequent offending. This indicates a need to reduce injuries and to manage consequences of injury to enable rehabilitation to be at its most effective;
- As well as international research showing a very high prevalence rate of TBI in offenders in custody relative to the general population, there is also evidence that such injury may be linked to earlier and more frequent custodial sentences, and to more violent offending; and
- TBI in childhood and young adulthood may be particularly associated with offending behaviour. Earlier and more effective means to assess and manage the consequences of TBI in the offender population, and those at risk of offending, may lead to improved outcomes for affected individuals and for society.

Such findings underlie calls for increased awareness of TBI throughout the criminal justice process and, indeed, related areas of health, social, and educational provision.

Studies suggest that the prevalence of TBI may be even higher in female prisoners than in males. An analysis of women offenders found that 42% who had committed violent offences had suffered an average of two TBIs. Further analysis revealed that three factors were significantly associated with current violent convictions: the number of years since their last episode of receiving domestic violence, the number of prior suicide attempts, and traumatic brain injuries with loss of consciousness.

Screening for TBI: The Comprehensive Health Assessment Tool (CHAT)

The Review consultation asks "Are there any bespoke tools that would assist in identifying particular types of vulnerability?"

Currently in England new screening processes are being developed for assessing neuro-disability and informing practice. The Youth Justice Board and Department of Health commissioned the Comprehensive Health Assessment Tool (CHAT), which contains a first night reception screen to assess for immediate risks in physical health, mental health, substance misuse and safety risks (part 1) and subsequent measures of physical health, substance misuse and mental health (parts 2-4).

In view of the prevalence of neuro-disability identified in young offenders, a new section of the CHAT (part 5) was developed. This addresses neuro-developmental disorders such as learning disability, autistic spectrum disorders and speech, language and communication needs, and also includes assessment for brain injury with a section on TBI. All parts of the CHAT should now be used routinely across the secure estates from April 2013. A community version of the CHAT has also been developed and currently in the process of being piloted within community youth offending services.

The successful implementation of any screening tool requires it to be embedded within local pathways for further specialist assessment for young people who screen positive. It should also be supported by appropriate staff training and supervision of youth justice staff on how to both identify young people with neuro-disabilities and health needs and how best to support them through a robust care plan. Importantly, the CHAT could allow for more accurate data on the prevalence of TBI in turn leading to better informed commissioning decisions and resultant care pathways.

This may also be a model for how services for adults may be developed in future. Within this context it is worth noting that the Disabilities Trust Foundation has [a pilot programme underway at an adult prison with a specialist brain injury linkworker](#) providing assessments and developing care pathways for offenders with a brain injury. The outcomes are being monitored and this model may be transferable to a youth justice setting.

e) Gender

Young adult women have distinct needs compared to young adult men, girls, and older women. However, in public services, and in particular within the criminal justice system, they are usually managed through a generalised approach, and are almost never as a distinct group in their own right.

Often this is attributed to the relatively small number of young adult women who come into contact with criminal justice agencies, particularly at the sharp end of the system (probation and prison). While young adult women are far less likely to be involved in crime and end up in the system, most of those who do have very particular and complex needs that relate directly to their age and gender, which services often struggle to take into account. In this sense, they are likely to fall between services, and can therefore be considered to be the 'forgotten few'. **The Prison Reform Trust** has noted that:

"Because women are such a small minority of those in the criminal justice system, and of the prison population, they are easily overlooked in criminal justice policy, planning, and services" (June 2014).

This remains an ongoing challenge, and while there is a paucity of research about women in the criminal justice system, there is almost no research on the distinct needs of young adult women and crime, and the availability and collection of data is patchy.

Young adult women in the criminal justice system often have a range of complex needs. Many have had multiple traumatic experiences as domestic abuse (more common for younger women than older women), sexual exploitation, and bullying, at levels far higher than for young men.

More than half (53%) of women in prison report having experienced emotional, physical or sexual abuse as a child, compared to 27% of men. A similar proportion report having been victims of domestic violence. Both figures are likely to be an under-estimate. Women can become trapped in a vicious cycle of victimisation and criminal activity. Their situation can be worsened by poverty, substance dependency or poor mental health. Leaving the relationship doesn't guarantee that domestic violence will stop. The period when a woman is planning or making her exit is often the most dangerous time for her and her children.

In its 2010 report, ['Women with complex needs'](#), **Revolving Doors Agency** found that women had a range of physical and mental health needs, but that they were not always aware of these issues: "Some women do not recognise or name their experience as domestic violence even when it would be defined as such."

The **Prison Reform Trust's Bromley Briefing 2014** notes that:

- Women are more likely than men to report needing help with a drug problem on entry to prison (49% v 29%).
- Mental health problems are more prevalent among women in prison. They are nearly twice as likely as men in prison to be identified as suffering from depression (65% versus 37%), and more than three times as likely as women in the general population (19%).
- Women are disproportionately likely to harm themselves whilst in prison. In 2013, women accounted for 26% of all self-harm incidents in prison in England and Wales despite representing only 5% of the prison population.

Distinct needs of young women

What is different about young adult women compared to older women is that these and other traumatic experiences are likely to still be raw in the mind of each young adult woman. For young adult women, therefore, it is vital that services recognise this immediate need, and also take the opportunity for preventive work before such trauma becomes 'normalised'.

A difference between young adult women and older women offenders is that that they are less likely than older women to have their own accommodation, and more likely to be living in the family home or in institutional care. Young adults are now increasingly dependent on family support for accommodation, with 39% of females living in the family home age aged 20-25.

Young adult women in the criminal justice system are likely to be a primary carer for a child or relative. Many will be in the position of being both a mother of a young child and being a child in the family home at the same time.

At this stage of life many at risk young women will be parents themselves and either parenting alone. Where they are in contact with services the focus will often now be on their children rather than their needs. This is a group of young women who are at greatest risk of having their children removed from them.

According to the **Prison Reform Trust**, a recent report highlighted that up to 6,000 children a year are being forgotten by the state when their mother is sent to prison, while an earlier study found that 42 women held in HMP Holloway had no idea who was looking after their children, and that 19 children under the age of 16 were looking after themselves.

31% of women prisoners spent time in care as children, compared with 24% of men. Young women who have been in the care system may be at particular risk at this stage if they leave care with little ongoing support and either remain estranged from their families of origin or reconnect with very troubled families.

All of these factors are recognised as having a particular contribution to increased vulnerability, and often relate to the underlying reasons for the high levels (albeit reducing according to HMIP) of self-harm in the women's prison estate.

One T2A Pathway project (**Advance Minerva**) delivers young adult women specific service for 18-25 year olds who have been arrested or who are leaving prison following a short sentence (see www.t2a.org.uk/pathway). Their distinct approach for young women is a model of good practice that could be readily replicated in the prison estate.

f) Ethnicity

Black, Asian and Minority Ethnic (BAME) people are over-represented at every stage of the criminal justice process, with seven times the rate of stop and search of this group than white people, and a between three and four times over-representation in custody. The over-representation is even greater for BAME young adults and, as of 2014, for the first time half of young people in juvenile custody are non-white.

There are specific implications and vulnerabilities relating to BAME young adults in the criminal justice system, particularly in relation to policing and prisons, where the greatest over-representation of BAME people is seen. The Chief Inspector of Prisons has consistently found in recent years that young BAME young adults in prison feel less safe and less respected by staff. They are also disproportionately recorded as being involved in violent incidents, both between prisoners and with staff. Concerns have been raised that the prison service at both operational and management level does not have sufficient cultural competency to effectively deliver its service to the population in custody. In particular, BAME prison officers are under-represented in the workforce, and do not reflect the make up of prisoners.

Baroness Lola Young is currently chairing an independent review on the over-representation of young black and Muslim men in the criminal justice system, and T2A Alliance member **BTEG** is undertaking a race review for T2A of the existing evidence base to date. Later this year, T2A will be in a strong position to submit evidence related to BAME young adults and will do so at the earliest opportunity. In the meantime, **The Young Review** has published its interim report, and can be found here: <http://www.youngreview.org.uk/sites/default/files/YoungReviewInterimReportSummary.pdf>

The Young Review's secretariat can be contacted here: <http://www.youngreview.org.uk/contact>

g) Family

While maintaining family ties is effective for nearly all prisoners in reducing their reoffending, this is particularly the case for young adults, and it is recognised that contact with family members can reduce self-harm and suicide among prisoners. One T2A Pathway project (led by **Prisoners' Advice and Care Trust**) is working in three Staffordshire prisons to deliver tailored support to 17-25 year olds (in a YOI, female and adult prison – see www.t2a.org.uk/pathway).

Many young adults in custody are still themselves the 'children' of the family and have parents or care leaver entitlements. Many are also parents themselves, and for some the responsibilities of being a parent can be important to encourage long-term desistance from crime. The implications of family engagement for young adult women are particularly important (see above).

As part of any resettlement planning for young adults in custody, accommodation arrangements should be a priority, and accommodation needs should be assessed as soon into the sentence as possible. Given the shortage of suitable housing in the community, it is also vital that there is involvement of the family at the earliest opportunity, which will increase the chance of a young adult being able to move back to the family home, if appropriate, as an interim alternative to a long-term arrangement.

Part 6: Criminal justice implications

a. Overview

Young adults represent 10% of the general population but account for around a third of the criminal justice caseload (such as policing time, probation work, and new prison entries). Despite this, there is almost no distinct provision for young adults in sentencing legalisation or criminal justice service delivery, and only a handful of local examples nationally where criminal justice agencies are taking a distinct approach for this group.

Perhaps as a consequence of the lack of specific approach to young adults' distinct needs, this group has the highest reoffending rates for those leaving prison (75% are reconvicted within two years of release from prison) and the highest breach rates for adults serving community sentences.

Yet with the right intervention, one that takes account of young adults' distinct needs, this is the most likely age group to desist from crime, with the most potential to reduce public expenditure and future victims of crime.

This was confirmed by the results from the evaluation of the T2A pilots that ran from 2009-2013, which found that:

- **Only 9% of young adults were reconvicted;**
- **Only 9% breached the terms of their community order or licence;**
- **Employment rates trebled; and**
- **NEET (not in education, employment or training) levels halved.**

T2A and others have shown that distinct and effective interventions for young adults can be implemented at all stages of the criminal justice process, from point of arrest through to release from prison. Criminal justice agencies have started to take account of young adults' maturity in decision making (see above). For example, the CPS and sentencers now take maturity into account in decision-making guidance for adult offenders.

However, there are very limited options available to sentencers for a distinct young adult sentence – of the twelve requirements available to the courts when compiling a community sentence, only the Attendance Centre Requirement is restricted to 18-25 year olds, and this is rarely used and rarely delivered in a way that meets this group's needs. The changes to probation services as a result of Transforming Rehabilitation are likely to result in a huge variation and inconsistency in the provision of a distinct approach for young adults. T2A has great concern about the approach of new providers to this age group.

T2A's research and evidence in relation to the management of young adults in the community (police, prosecution, sentencing, and probation) is available to the Panel if this is of interest, and all publications are available at www.t2a.org.uk/publications. However, given the focus of the Review is on young adults in custody, what follows is a more comprehensive analysis of the current approach to young adults in custody.

b. Young adults in custody: Current provision

T2A welcomes the good work being delivered in many prisons and Young Offender Institutions (YOIs), and acknowledges that some of the 5,926 young adults in custody (aged 18-20, as on 30 June

2014) receive good support from prison staff and voluntary sector organisations delivering a wide range of programmes and interventions tailored to their needs.

However, T2A is greatly alarmed by the numbers of young adults who have died in custody in recent years, three quarters of whom were in adult prisons at the time of their death (a significant over-representation compared to the majority of young adults who are held in YOIs). The lack of distinct provision for young adults in the women's prison estate should also be urgently addressed (see the separate section below).

T2A believes that the distinct provision for young adults in custody through Young Offender Institutions (YOIs) is now almost entirely notional, and that what distinct provision does still remain is now woefully under-resourced. T2A is particularly concerned that staffing levels in YOIs have dropped substantially in recent years, which we believe has contributed to the rising level of violence in some institutions.

Many prison governors and staff that T2A speak to regularly want to provide an effective regime, but are being hampered by ongoing policy confusion from the centre, continual estate reorganisation and untenable resource pressures.

In late 2013, the Ministry of Justice published a consultation on the management of young adults in custody, centred on the recommendation for mixing young adults into the general prison population. This was premised on the view that this might improve outcomes, such as reoffending, and enable young adults to be included in the plans for resettlement prisons.

However, in T2A's view this recommendation was based primarily on inconsistent and anecdotal evidence that mixing sometimes helps to reduce violence. In addition, there was no detail or evidence put forward as to how the Ministry of Justice's proposed alternative approach of mixing young adults within the general prison estate would better serve this age group, nor how the age-specific needs of this group would be met.

Although the plans for mixing young adults across the prison estate have been postponed until 2015, T2A remains concerned that the Ministry of Justice's proposals were not based on evidence or experience from demonstration of good practice but on the need to align the young adult population with the procurement process for contracts for resettlement services as part of the Ministry of Justice's transforming rehabilitation programme.

As the T2A response to the consultation noted in December 2013:

'Such a sudden and wholesale move away from distinct provision for this age group, with no proposed statutory or other safeguards, is a high-stakes gamble that requires considerably more scrutiny and risk-assessment for the sake of the young adults involved, prison staff, delivery organisations and society at large.'

Despite opposing the government's recommendations for mixing, T2A recognises that the current prison estate is not meeting the needs of young adults, as demonstrated by the increasingly frequent failures to prevent serious self-harm and suicide. HM Inspectorate of Prisons has identified a number of concerns related to the management of young adults in custody, highlighting a pattern of failure to address their specific needs. As Nick Hardwick noted in his evidence to the Review Panel recently:

“Overall the dedicated young adult establishments (accommodating 18-20 year olds) score the worst in HMIP inspections. Two dedicated young adult establishments, HMYOI Feltham and HMYOI Brinsford, were inspected in March 2013 and November 2013 respectively, and received the worst ever reports from HMIP. Brinsford scored poorly in every area of the inspection and the physical environment was particularly poor”.

The unannounced inspection of HMYOI Brinsford in April 2014 found that:

“Work with young adults is very challenging and facilities in the prison are not ideal but this is an establishment that needs significant improvement. When we spoke to staff and managers they were aware of the problems but seemed overwhelmed, and they lacked a plan or the determination to begin to get to grips with what needed doing.”

In relation to young adults at serious enough risk of self-harm that they were subject to ACCT, the inspection team found that:

‘There were far more self-harm incidents than in similar prisons, although eight prolific self-harmers accounted for approximately 40% of these incidents. We were not assured that all prisoners with vulnerabilities were identified on arrival. Prisoners’ night-time access to Listeners (prisoners trained by the Samaritans to provide confidential emotional support to fellow prisoners) was inadequate and Listeners felt under-used. Some prisoners subject to assessment care in custody and teamwork (ACCT) case management for prisoners at risk of suicide or self-harm told us they did not feel supported and we found ACCT documentation to be poor.

‘Some prisoners subject to ACCT had been threatened or bullied and levels of self-harm within this group were higher, and yet the prison appeared unsighted on their needs. Some prisoners were offered some support but were managed on what seemed an ad hoc basis by different departments (safer custody and senior managers). There was no coherent strategy and limited consistency of approach, and prisoners felt isolated. We were not assured that there was follow up of their welfare, and there was little evidence of meaningful support plans. Too many prisoners in crisis and on ACCT case management were held in segregation and in special accommodation without the circumstances having been justified’.

The HMYOI Brinsford report is not anomalous, and is in fact just the latest of a series of such reports following recent inspections of adult YOIs.

An unannounced inspection of HMP Durham, a prison that holds around 80 young adults within its population of 1,000, was critical of the prisons management of young adults in particular, and stated a concern that

“Young adults were disproportionately represented in a number of key areas including violent incidents and use of force. Young adults were more likely than other prisoners to be on the basic level of the incentives and earned privileges scheme. Specific support for young adults was lacking and the prison had no strategy to take this work forward.”

Among its key recommendations was that *“There should be a needs assessment of the young adult population, and a clear strategy developed for their overall management”.*

The inspection team also noted that:

“Governance of use of force was weak and the frequency with which it was used with young adults was disproportionate to their numbers” and that “Young adults, who comprised 8% of the population, were involved in 17% of incidents of violence, but there was no specific policy to manage young adults or address this disproportionate representation in violent incidents”.

T2A notes Nick Hardwick’s evidence to the Review Panel, and his point that:

“As the numbers of children and young adults in custody has decreased (which is welcomed by HMIP) those that remain may be the more troubled and challenging”.

However, we do have concerns with the view expressed in HMIP’s evidence that *“effective treatment is more important than where a young adult is accommodated”* in case this is interpreted as meaning that no distinct young adult provision is necessary, which we believe is vital.

c. Young adult women in prison

Much has been written about the women’s prison estate, and there is much discussion as to how best women in prison should be managed, and if they should be in prison at all (see Prison Reform Trust’s 2014 briefing on women prisoners for a useful summary). It was announced on 25 October 2013 that all women’s prisons will become resettlement prisons, and that each prison would provide improved employment opportunities for appropriately low risk female offenders, and access to interventions, whilst maintaining closeness to home. The Ministry of Justice expects this to benefit female young adults as well as older adults. According to the Ministry of Justice:

“Adult women are managed within the estate on the basis of individual assessments of risk of harm, the likelihood of reoffending and their offending associated needs. Decisions are made locally on how resources are deployed to achieve outcomes in terms of reducing re-offending.”

However, the distinct needs of young adult women have been researched far less. HM Inspectorate of Prison inspections indicates, however, that there are a number of significant problems with the management of 18-20 year old women (see case study below).

As of 30 June 2013 there were 188 female offenders aged 18–20 in the women’s estate. All 12 women’s prisons are dual designated as both prisons and YOIs. All young adult women in custody are placed prisons for women of all ages. Very little specific provision is made for young adult women in custody, and one of the only acknowledgements of a distinct approach is Prison Service Standing Order 4800 that states “young women may be vulnerable to exploitation by other prisoners – both adults and other young offenders.”

Findings on the management of young adult women – HMIP reports of women’s prisons (2013)

Particular concerns have been raised by HMIP in relation to the management of young adult women in prison. Below are four extracts related to young adult women from the most recent inspection reports.

HMP Eastwood Park: *“Concern: Around 10% of the population were young women aged 18 to 21. They were more likely to be involved in incidents such as assaults and more likely to self-harm than others. They were less likely to make progress in education, and there was a lack of focus on them to ensure aspects of the resettlement provision addressed their specific issues. Services for this group*

were not strategic or coordinated. The specific needs of the young adult population should be clearly assessed, and a strategic and coordinated approach taken to meeting them.

HMP Bronzefield: Twenty-two young adults were accommodated within the general population; the youngest was 18. A protected characteristics lead staff member had been appointed, but there was little specifically in place for this group.

HMP Drake Hall: Twelve young women under the age of 21 were accommodated within the general population. Each young woman was discussed at the weekly multi-agency safety and health meetings meeting (see section on suicide and self-harm prevention) and an allocated officer saw each woman twice a week to offer support and identify any concerns. Young women's forums had been introduced in the month before the inspection. However, there had been no detailed analysis of this group's needs.

HMP Holloway found that: Twenty-three young adults were fully integrated with other women. Staff knew who they were, and most we spoke to felt looked after. Risk assessments had been completed and care plans were in place. Forums for young women were run once a month and there were social meetings twice a month with age appropriate activities.

This very mixed picture emphasises the need for an urgent review of good and bad practice relating to young adult women in prisons, and that good practice is promoted to all establishments. In the medium term, the government should comprehensively review its strategy on the management of young adult women in custody, rather than continue to treat all women in prison as a homogenous group.

d. Young adults in custody: The way forward

To address the current concerns, far more attention should be given to supporting staff in YOIs (resources from the savings made from reduced numbers in the youth custody estate could be reassigned to the young adult group) to ensure that a targeted and distinct approach is provided to young adults in custody. An adequately funded distinct approach for young adults in custody would help to fulfil the original vision for YOIs, rather than to maintain the current mission drift that has led to more than 50 institutions becoming dual designated HMP/YOI institutions.

All the available evidence for treating young adults the same as older adults clearly indicates that this leads to poor outcomes. Yet the evidence for effectiveness of a well-resourced, distinct approach for young adults in custody is very strong. In October 2013, T2A published a report entitled '**Young Adults in Custody: The Way Forward**', which proposed ten evidence-based recommendations for change in the management of 18-24 year olds in custody. These recommendations included proposals that:

- A body in central government should be established to drive forward reforms, along the lines of the way the YJB has led change in respect of young people under 18;
- A prison service order should be drawn up emphasising the distinctive needs of this age group alongside the development of age appropriate systems of discipline and restraint, incentives and privileges, and accredited programmes. This should draw on the existing PSI for juveniles;
- Research should be undertaken on the best ways of preventing and tackling violence without diminishing regime activities;

- Sufficient staff should be available to ensure that young adults in custody can safely participate in a full day of education, training and work;
- A training course should be developed for those working with young adults in custody, emphasising that staff should take into account the characteristics of young people's behaviour and stage of development through appropriate role modelling, promoting and maintaining positive behaviour, and clearly defining behavioural boundaries; and
- A wider range of residential placements should be developed for young adults in conflict with the law, both inside and outside the prison system

Part 7: Concluding remarks

There is great social and economic gain to be made by implementing a distinct approach for young adults, and this can be realised within existing budgets and legislation. Legislative and system change would make this more efficient, and there is worth in considering extending the youth justice system to an older age group (as recently mooted by IPPR in its review *'The Condition of Britain'*, proposing that the Youth Justice Board centrally and Youth Offending Teams locally take on responsibility for young adults).

Other jurisdictions respond differently to offending by young adults, such as in Germany where the courts choose either juvenile or adult law for young adults on the basis of the maturity of the individual and their distinct needs, and specialist 15-25 institutions manage young adults in custody (see T2A *'Young Adults and Criminal Justice: International Norms and Practices'*).

T2A believes that all the evidence accrued to date clearly shows that a distinct approach for young adults, which takes account of their needs, vulnerabilities and potential, would affect a dramatic reduction in the numbers of deaths and incidents of self-harm among this group, as well as reducing reoffending rates, future victims, and public expenditure.

Part 8: Contacts

For more information, or to visit/interview T2A or any of the organisations and projects mentioned in this paper, please contact the T2A secretariat:

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