

Harris Review Round Table Event

Young Adult Characteristics

11th December 2014

Attendees:

On behalf of the Harris Review: Lord Toby Harris, Philip Leach, Richard Shepherd, Deborah Browne, Robyn Malan de Merindol

Darren Coyne, the Care Leavers Association

Debbie Pippard, Transition to Adulthood Alliance (T2A) and Barrow Cadbury Trust

Junior Smart, St Giles Trust

Lucie Russell, Young Minds

Laura Janes, Howard League

Vijay Patel, College of Social Work

Teresa Clarke, Governor Swinfen Hall & NOMS Care Leavers Champion

Martin Larby, Probation Services (attending on behalf of Delphine Duff)

Gaby Perrott, MoJ, Young Adult Policy Lead

Samantha Galisteo, Prisons Inspectorate

Sue Berelowitz, Deputy Children's Commissioner

Millie Shuter, Catch 22 (attending on behalf of Chris Wright, CEO)

Apologies: Graham Towl and Matilda MacAttram (Harris Review), Poppy Harrison (YJB), Delphine Duff (Probation Services)

SUMMARY OF DISCUSSION

Theme 1: Maturity, Brain Development and other Developmental Issues

Laura Janes summarised for the meeting a project that the Howard League are doing with T2A and Barrow Cadbury Trust. The project provides the only frontline legal service for Young Adults up to age 21 with a free helpline number on the PIN phones.

The Howard League identified key areas that maturity impacts on when young adults come in contact with the CJS. These include:

- Identifying problems;
- Effect on their maturing selves;
- Develop empathy of people working with this group;
- Enabling YPs to be proactive to take ownership of their lives.

Significant themes emerging from a meeting on maturity facilitated by the Howard League were summarised:

1. Young adults are at a particular stage of their lives that is different to more mature adults. While they are not children, they also do not have the life skills that the adult Criminal Justice System (CJS) expects from them. Adulthood as a stage of life cannot be forced.

2. Young adults are stigmatised by the CJS and feel labelled. They feel they have not been consulted on this label, and they don't recognise their 'paper self' as relating to themselves. This can crush their spirits and inhibit their personal development.

3. Young adults in the CJS are likely to have an extraordinary well of resilience to have survived their difficult early life experiences. Most have come from such difficult backgrounds that most people can only imagine, and it is often amazing that they are functioning at all. This strength could be channelled into something positive, and it needs to be recognised that there may be some stubbornness associated with the strength that gave these young adults the resilience to get through their life experiences.

It was felt that more work needs to be done within the CJS to build resilience in young adults, working on this resilience that they already have. Vinjay Patel told the meeting that studies around resilience have shown that it can be beneficial to identify positive experiences or support in the young person's life and to build on these. Professionals need to explore this, and how these positive elements can be accessed in the context of the CJS. Young adults need to have resilience when they leave prison.

Debbie Pippard told the meeting that Barrow Cadbury Trust were concerned about a gap in knowledge and services for this age group, which prompted the commissioning of their study on maturity. This showed how human brains continue to mature and develop until the mid-twenties, with some parts of the brain in particular developing more slowly than others. In particular, the part of the brain associated with 'temperance' develops more slowly than other parts. Imposing an arbitrary age limit for young people, therefore, is a waste of time and resources. Maturity and brain development can be affected by early experiences, and up to 60% of young adults in the CJS have had a traumatic brain injury. Alcohol and drug abuse issues will also affect the young adult's ability to stay on the straight and narrow. They are likely to have experienced events that will affect their mental health.

Unfortunately, young adults are not adequately supported. Transitions between services at the arbitrary age of 18 are very poor, and mental health services are particularly poor. The rigid and punitive CJS is unhelpful, with prisons being harsh environments for fragile and vulnerable young minds. Loss of liberty is the punishment, and the environment should be more supportive. It was felt that young adults should be in environments that were more like a Secure Training Centre than a YOI. It was recognised that the costs of this might be prohibitive, but more should be done to learn lessons from the youth secure estate.

Additionally, it is too easy for an immature young adult to find themselves in breach of the conditions of their sentence, for example for not attending appointments. Individual needs and abilities are not taken into account, and neither is gender, ethnicity or faith. Contact with the CJS can re-ignite previous trauma. Young adults need to have consistent, trusting relationships by trained staff who want to work with young adults, rather than who are told to.

It was felt that specific disposals should be based on maturity, not age. In particular, short prison sentences are not useful for immature young adults and should be reduced. Sue Berelowitz added that there were concerns that longer sentences led to more damaging transfers between institutions. She referred to a report on neurological development that showed that cognitive development in the brain is affected by nurturing/loving relationships. Young adults in the CJS may have deficits in cognitive development as a result of their early experiences, as well as being less mature.

Effective assessments should take place when the young adult enters custody, and re-assessment should be undertaken at points of transition and transfer. For young adults, this should include proper paediatric assessment, or its age-appropriate equivalent to reflect the traumas of earlier development. It is understood that NOMS is developing a 'maturity tool' to facilitate more effective working with young adults.

Sue referred to evidence in OCC reports that virtually all children and young adults in the CJS will have suffered some form of violence, including sexual violence. The rate of prior sexual abuse for females is close to 100%, and for males there is emerging evidence that some are subject to gang related sexual abuse. . The CJS can often replicate the socially toxic environment from which these vulnerable young people come. Often unwittingly, professionals can reproduce previous traumas by their behaviours (e.g. not observing personal space).

Lucie Russell drew the meeting's attention to the *Young Minds* Report that describes how 18 – 25 year olds asked about what experiences had led to their offending, indicated that while they were waiting for mental health services, they self-medicated with drugs and alcohol. Other issues identified:

- Failure of continuity when transitioning to adult services;
- Attention Deficit Hyperactivity Disorder and Autistic Spectrum Disorder not being dealt with by adult services;
- Medication rather than 'talking treatments' being used;
- Medication not being received and progress not monitored.

A 'bottleneck' for mental health services for children and young people was described, in the community as well as within the CJS. It was suggested there should be joint commissioning between Child and Adolescent Mental Health Services (CAMHS) and CJS and the relevant Clinical Commissioning Groups should have a mental health lead. It was suggested that there should be a single point of access to services for under 18s and for young adults.

At present there are problems picking up learning disabilities and autism in prisons. Even when they are identified, staff don't know what to do about them. It was agreed that staff should be trained to work specifically with young adults, particularly around their mental health needs, medical supervision and to look at the seriousness of their other problems. At present, Teresa Clark reported that staff work very hard just to keep people alive in prisons, with so many self-harming and hiding implements with which to do so. It was felt that higher staffing levels were needed in order for staff to provide these vulnerable young adults with a 'parenting' role and to manage levels of violence.

Lucie Russell also drew the meeting's attention to the Health Committee Report, "*Children's and Adolescents' Mental Health and CAMHS*" which was published on 5 November 2014.

Better planning is needed from the beginning. Moves within the CJS for young adults should be planned, and more information should be made available to judges when making their sentencing decisions. It was suggested here should be a greater use of Section 35 and 36 of the Mental Health Act.

Martin Larby said that Probation are meeting to identify what is working well and improve work with this age group. A clearer picture was needed in order to develop individual training and properly identify the individual's level of risk.

Theme 2: Dysfunctional Families, Care Leavers and Development of Life Skills

Millie Shuter explained that Catch 22 work with young offenders to support them and provide services. In her experience, outcomes are better if you address causes not just the problems that are manifest. Those young people who are the most vulnerable are over represented in the CJS. Young people who have contact with the CJS will have better outcomes if they have one consistent and close relationship with someone supporting them. In prisons this should be someone other than a prison officer, it should be someone with responsibility for getting information about the young person, including from their family and then sharing it appropriately. Where families are broken down or are dysfunctional they are exacerbating the problems for the young person.

Staff working in the secure estate need to let the young person know what they are entitled to. Offenders who are care leavers need to have a trusted relationship with someone, for example someone from the Care Leavers Association, to help break down the barriers they have built up through their experiences. Indeed, they may not even admit to their history of being in care unless this happens. Often they feel that admitting to a history of care makes them more vulnerable, as there appears to be a stigma around their 'hidden burden'. A cultural change is needed to enable them to engage more openly.

Darren Coyne from the Care Leavers Association told the meeting that 25 – 50% of the prison population have experience of the Care System, while in the population as a whole, it is only 1%. Care Leavers are over represented in prisons. A multi-agency approach to supporting them is needed. Catch 22 find that young people are without the necessary life skills and they need to build them.

Some of these young adults will be entitled to support under the Care Act, although often neither they nor the staff around them will be aware of this. He agreed that often the professionals that they come in to contact with are not equipped to support them.

They may be entitled to:

- A personal advisor / Leaving care worker
- A statutory quarterly visit
- A visit at arrival in prison
- A Pathway Plan, which is a legal working document between the YP and the Local Authority
 - Should be revisited and updated
 - Entitled to support and advice on arrival and leaving custody.

While young adults who have been in the care system will not have been identified previously in a consistent way by NOMS, new questions in both nDelius and PNOMIS mean that offenders are asked

about their care status. However, not all Offender Managers are aware of the guidance or can take on the extra work required if they do understand the situation. Many young people may not know what they are entitled to under the Care Act, the terms of which are complex, and it is important that they are made aware. There is no training for practitioners and the Local Authorities should pick up on this. The 'care experience' is part of the offending pathway.

It was agreed that local authorities are not fully discharging their 'corporate parenting' role, and that individual 'corporate parents' were of varying quality.

There needs to be better joined up care with local authorities, so that personal advisors/ corporate parents can visit young adults in custody and provide them with the range of support that they need and that they are entitled to. At present, these can only visit as part of legal visits, and the rules need to be changed to enable care leavers to receive more visits from their personal advisors/ corporate parents. It was suggested that these visits should be part of the sentence planning process and should not be legal visits. The young adult may have a relationship with this person for many years, and a personal element should be allowed for.

Darren Coyne provided a quote from a care leaver who had been in custody and was very vulnerable there as a result of his lack of support and low self-confidence,

"They think once you're a criminal you're always a criminal but that's not the way ... just certain things go on in your life and you think f**k it, what have I got to live for ... I was homeless at the time ... I had nowhere to live. I thought you know what, what have I got to live for"

In the context of explaining how he was supported by an ex offender to help him meet with professionals, so he could be supported to ask the right question of the leaving care service so as to get the service he so desperately needed,

"I'm used to just getting NOPE so I don't bother. He [the worker who is an ex offender] asked questions and my heart was buzzing"

Vulnerability is considerably increased for 18 – 24 year old care leavers if they aren't identified and supported in the CJS. There is a disjoint between CJS and Social Care – there is no recognition in practice of the vulnerabilities that having a history of being in care can bring about.

The following changes are needed:

- CJS to get better at recognising the number of young people who are care leavers and their possible issues;
- Staff need training to deal with care leavers;
- There should be advocacy and support for care leavers in the CJS;
- Better sharing of information;
- User-led approaches;
- Preventative measures;
- Training and awareness around care leaver issues generally;
- Research and investigation into the size and nature of the problem of care leavers in the CJS;
- A culture where it is OK to be able to speak about care;
- Local Authorities need to engage with the CJS on their care responsibilities;
- CJS needs to stop discriminating against care leavers in their care.

Teresa Clark, who is the NOMS Care Leavers Champion, recognised many of the points raised. She felt that NOMS has now woken up to the issues of care leavers and has issued new guidance in 2013, and appointed her to the new Care Leavers Champion role around the same time. As the meeting has already heard, tools have been developed to identify care leavers, and governors are being made aware of these changes. More can be done, and this is now being explored.

Teresa Clarke said that she had been to a Leaving Care manager's forum to get Local Authorities to engage with care leavers in CJS and said they were very receptive to working together; there is interest from both Local Authorities and Governors in this. The prisons' minister Andrew Selous has engaged with and written to the Children's Minister. However, it will take NOMS a while to get the staff trained and equipped to deal with the range of issues they are likely to encounter when working with care leavers.

Sue Berelowitz felt that one option that should be explored is getting local authorities to pay for the costs of young adult care leavers who were remanded in custody. She was concerned about care leavers being remanded to custody because they had nowhere else to go – nowhere to be bailed. This situation has improved substantially in the children's secure estate as a consequence of all children on remand now being covered by section 20 of the Children Act 1989. Sue suggested it was worth considering whether if Local Authorities had to pay for the prison costs, then they may be more likely to deal with the housing issues sooner.

It was suggested that there might be merit in YJB taking over the management of young adults (18-21) from NOMS, which would mean that YOTs could be involved in their care and sentence planning. However, it was also felt that there were differences between the care needs of children and young adults.

The meeting agreed with the statement that "all young adults need to have a significant adult in their life".

Theme 3: The Context of Custody for Young Adults and its Impact on Relationships

Gaby Perrott said that the government's response to the consultation on the management of young adults in custody has been put on hold until after the Harris Review has reported. She also reported that work to look at transitions is ongoing, with both the Transitions Framework and a new PSI on Transitions currently being reviewed.

Junior Smart told the meeting about the work of the St Giles Trust providing peer support, housing support and also a project to look specifically at gangs, which is led by ex-offenders. The main issues for these young people are:

- The attitudes of staff to young people. In particular, their self-harm is seen as attention seeking;
- Maturity;
- Post Traumatic Stress Disorder (PTSD), which they may not report. The distress may be an ongoing part of the young adult's life – perhaps the person who wants to do them harm is on his/her wing;
- A lack of client centred services;
- Need for training and outreach services for staff;

- Relationships for young people are key. These are undermined by short term funding and lack of quality assurance.

Junior Smart highlighted the experience of Foreign National Offenders (FNOs). It may be through trauma that they have ended up in this country; they may have a fear of return and be suffering from PTSD and self-harming. The trauma they have suffered may affect their maturity, and they may also be distressed by the uncertainty of their status.

It was agreed that gangs are a significant issue in prison, where many young adults make alliances just to get by and to deal with the 'macho' culture. Allegiances shift and change continuously. Teresa Clarke explained that is difficult to keep on top of this, and it does cause violence.

Junior Smart said that there big gaps in the prisons' information about gang members who come into custody. Some of them are being sent significant amounts of money to run their drug markets, and this is currently very difficult to manage.

Much of this can also be associated with bullying, which can be very difficult to manage. Dealing effectively with bullying could help reduce some violence and distress.

It was suggested that a lot of young people shouldn't be in prisons in the first place. Short sentences in particular are not long enough to be effective and can be destructive; the churn needs to stop. There are examples of people going into prison and having a good experience but then being released and having no community to go to. There are not enough alternative disposals

While some mental health and care and welfare teams can support young adults in prison, there is a culture of not asking for help within a prison. Young adults often found staff disrespectful and that their attitude towards self-harm was often critical; they describe it as 'attention seeking.' It was suggested that staff working with young people in custodial settings needed to have the skills set of being able to relate to offenders as fellow human beings with all of the complexities that this involves. Staff then need to receive the support, supervision and evaluation to use and monitor their approach.

More needs to be done to try and rebuild relationships within dysfunctional families so that they can support young people during their sentence. It was suggested that the offender managers or the MAPPA should be the co-ordinator for this work.

In the youth estate YOTs will be involved with this work but that it ends with a move to the adult estate. More needs to be done to shape the transition from under 18 to a young adult. It is a big barrier for young adults to get over the rejection of them by the family. A subtle approach with the family is needed. Debbie Pippard mentioned the work that T2A are doing with family relationships.

There is a tension between welfare and punishment, the removal of liberty should be the extent of the punishment.

The CJS is not currently a place set up to deal with social care problems.