



BASW's submission to an inquiry by the Justice Committee on the treatment of young adult offenders in the criminal justice system.

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Background

1. BASW is the UK professional association for social work, led by and accountable to a growing membership of over 18,000 social workers. Our members work in frontline, management, research and academic positions in all social work settings across the UK. BASW members share a collective commitment to those values and principles that will secure the best possible outcomes for children and young people, adults, families and communities.

Summary

2. BASW welcomes the opportunity to make this submission to the inquiry by the Justice Committee on the treatment of young adult offenders in the youth justice system on behalf of BASW (British Association of Social Workers).
3. We are of the view that wherever possible, young adults should be supervised within the community and not within the secure estate to minimise the risk of self-harm and suicide. As we know, the secure estate operates two very different systems for young offenders and adults offenders and therefore the transition into the adult system can be extremely difficult for young people in terms of meeting their multiple and complex needs.
4. Young people are offenders under the age of 18, or in some cases aged 18 but remaining in the under 18 estate, and will be held in either a Secure Children's Home (SCH), a Secure Training Centre (STC) or a Young Offender Institution (YOI). The Youth Justice Board for England and Wales is responsible for placing young people in custody and typically those aged under 15 will be held in an SCH and those over 15 will be held in either a YOI or STC. Only 17 year old female young people are normally placed in a YOI.
5. Young people can be sentenced to either a Detention and Training Order (DTO), imprisonment under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or imprisonment under section 226 or 228 of the Criminal Justice Act 2003.
6. YOIs holding young people operate within many of the same rules and policies as prisons for men and women. Whilst sentenced young people will be subject to the YOI Rules, young people on remand are subject to the Prison Rules. Most PSIs and PSOs apply to young people in the same way as they do to adult prisoners.
7. It has been recognised that the transition from youth justice to adult services can be a difficult time for young people and therefore the YJB has worked with a number of partners and stakeholders to develop and seek to improve the transition between youth and adult justice services, both in the community and in custody. The Youth to Adult Transitions Framework was published in 2013 to provide advice to youth offending

teams (YOTs) and probation managers on developing local protocols for managing transitions in the communityⁱ Recent changes to the National Probation Service to create Community Rehabilitation Companies (CRCs) has prompted the refresh of the multi-agency partnership arrangements necessary to support effective transitions from youth to adult youth justice services.

8. BASW believes that it is crucial that the transition in services from youth to adult is smooth, and that the young person is supported by all appropriate professionals in receiving the required level of resources to continue to meet their needs.
9. It is encouraging that the number of children in custody has fallen by 55% in the last five years. There were 98,837 proven offences committed by young people on the Youth Offending Team caseload in 2012/13, a reduction of 50% since 2009/10.³⁸ At the end of February 2014 there were 1,183 children (under-18s) in custody in England and Wales – a decrease of 108 from the same point last year. There were 54 children aged 14 and under in the secure estate.
10. Although there has been a significant drop in the number of young people in custody, little progress has been made in reducing reoffending, with 67 per cent of young people leaving custody reoffending within a year. Therefore we welcome the announcement on the 11th September 2015 that Charlie Taylor (former Chief Executive of the National College of Teaching and Leadership) will lead a departmental review of the youth justice system. The review will look at the evidence and current practice in preventing youth crime and rehabilitating young offenders; and will explore how the youth justice system can most effectively interact with wider services for children and young people; and he will consider whether the current arrangements are fit for purpose. We look forward to the findings in summer 2016.
11. In Scotland there were a large number of suicides in the female prison which led to a similar focus but specifically for female prisoners. Consequently in 1998, the Chief Inspector of Prisons and the Chief Inspector of Social Work carried out a major review of community disposals and the use of custody for women offenders in Scotland. The origins of the review lay in the loss of young lives at Cornton Vale in the period between 1995 and 1997. The report “A Safer Way”ⁱⁱ marked a milestone in our understanding of the problem of women offenders.
12. Subsequently in 2002 the Scottish ministerial group on women’s offending published a further report with recommendations entitled “A Better Way”ⁱⁱⁱ
13. In 2012 the Scottish Commission on Women Offender chaired by Dame Elish Angiolini, published the final report of its enquiry into women offenders and made radical

recommendations including the closure of Scotland's main facility for women offenders, Cornton Vale.

14. The in depth analysis these reports provide, and the majority of its recommendations could be applied just as legitimately and effectively to the male population.
15. The HMI annual report for England and Wales 2013-14^{iv} Found that the reduced population results in a more concentrated mix of boys with both great vulnerability and challenging, sometimes very violent, behaviour who are a danger to themselves, other boys and staff. Establishments struggled to control violence and bullying. In all establishments, there were fights and assaults almost every day.
16. The fact remains that boys aged 15-17 are 18 times more likely to take their own lives in prison than boys in the community.¹¹³ Fazel, Seena et al, (2005) Suicides in male prisons in England and Wales, 1978-2003, The Lancet, Vol. 366
17. The number of officers at public-sector prisons in England and Wales has been cut by 41 per cent in less than four years, figures obtained by the Howard League for Penal Reform reveal today (Monday 20 October).
18. Research published by the charity shows that there were only 14,170 officer grade staff working in prisons run by the state at the end of June 2014. There were more than 24,000 at the end of August 2010. Cuts include 1,375 officer posts that were lost when 15 public-sector prisons were closed during the period.
19. The drop in officer numbers nationwide has coincided with a deepening prison overcrowding crisis and an alarming rise in the number of self-inflicted deaths in custody.

The Harris Review concluded that all young adults in prison are vulnerable and that the experience of being in prison is particularly damaging to them as they are developing.

20. UN Convention on the Rights of the Child (UNCRC) requires that the detention of children should be 'a last resort'. It also says that children in custody should be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age.^v
21. Research findings state that the criminal justice system is failing to adequately support young adults by not offering a distinct approach that recognises their development and

varying levels of maturity, (report published by the Transition to Adulthood (T2A) Alliance and the Howard League for Penal Reform, July 2015).

22. As we know, the minimum age that a person can be prosecuted in a criminal trial in England, Wales and Northern Ireland is 10 years, which is significantly younger than in some other countries. For example, it is 12 years in Canada, 13 years in France, 14 years in Germany and China, and 15 years in Sweden. In Scotland the age of criminal responsibility is eight years, but the minimum age for prosecution is now 12.
23. We agree with Lord Harris in stating that young adult prisoners are vulnerable. Frequently they have been through the care system, and have missed significant amounts of education. They may not have the support of family and therefore need support to develop socially as well as academically. This development is more likely to be achieved in the community than within a prison/secure setting.
24. This vulnerability can result in bullying and violence within a prison setting. It is crucial that prison staff are trained to work with this specific age group and understand their developmental needs.
25. A report by the Children's Commissioner – Unlocking Potential (published 27th October 2015) found that on average, one in three children in the youth justice secure estate in England are isolated at some point. Children who experience isolation are likely to do so more than once^{vi}
26. 'Between one-third and as many as 90% of prisoners experience adverse symptoms in solitary confinement. As children within the secure estate are among the most disadvantaged and vulnerable in society, isolation is likely to exacerbate such difficulties – according to one study, 38% of those detained in young offender institutions, 59% in secure training centres and 52% in secure care homes suffered from physical and/or mental health problems.
27. Children in isolation in young offender institutions have much less access to education and other aspects of the normal routine than do children in secure children's homes and secure training centres.

The Harris Review recommended that more young adults should be diverted from custody and from the criminal justice system. Is it appropriate to seek to divert more young adults from custody and the criminal justice system, and if so, how would this best be achieved?

28. BASW firmly believes that there is a need to keep young people out of the criminal justice system through preventative measures, diversion, to youth work and others systems, wherever possible.
29. If diversionary options are considered, they must be effective in challenging the young person, engage the young person and not seen as a 'soft option'
30. Local Authorities have experienced huge cuts to their budgets which has had an impact on social work and social care posts, and therefore the ability to deliver diversionary and resettlement packages to young people at risk of offending, and those who have entered the criminal justice system. Many prevention programmes delivered by Youth Offending Teams (YOTs) such as Youth Inclusion Programmes (YIPs) and Youth Inclusion Support Panels (YISPs) no longer exist due to the lack of funding. These programmes, delivered by social workers and youth workers provided a targeted approach in working with the young person, their siblings and wider family to prevent offending and reoffending.
31. There needs to be an increase in community resources so that more targeted work can be achieved. This would involve a coordinated approach from professionals in Local Authorities, the health service and voluntarily and community organisations to meet the complex needs of young people at risk. This includes education, mental and physical wellbeing, substance and alcohol services, parenting interventions.

Recommendations

32. There needs to be a reinvestment in targeted preventative work in the community with young people who are at risk of offending, and their families. This work should be case managed by professionals trained to complete comprehensive assessments that identify the needs of the young person and their family.
33. Improved processes in sharing confidential information between professionals in coordinating a package of services is crucial.
34. It is acknowledged that for some offences, a custodial sentence may be the only option. In these instances, there needs to be a professional identified to work with the young person, their family and all relevant professionals to develop a resettlement package for release back into the community to address their multiple and complex needs.
35. Treatment and interventions in prison must be radically overhauled to meet the needs of the young people and their families.

36. Young adults who do receive a custodial sentence should be placed within an establishment that is able to work with their complex needs, with prison staff who are trained to work with young adults detained.
37. Although some changes have been made, considerable work is needed to bridge the gap in services for offenders in the community and the secure estate who are aged 18-21 years.
38. The retention of the Social Work degree as the standard qualification for the supervision of probation, community payback orders and offenders on parole license is highly valued by the Scottish Government and the Criminal Justice community in Scotland. Social workers supervising these orders are embedded in Local Authorities, which facilitates more easily the creation of packages of support in the community to strengthen the effectiveness of community based alternatives. Consideration should be given to ensuring more posts within YOTs and the probation service in other parts of the UK are filled by qualified social workers.

ⁱ <http://resources.leavingcare.org/uploads/47f4ce0eb32ae27f4fc42127ca1ac3e0.pdf>

ⁱⁱ <http://www.scccj.org.uk/wp-content/uploads/2011/08/SCCCJ-Women-In-Prison-Briefing-Paper2.pdf>

ⁱⁱⁱ <http://www.scccj.org.uk/wp-content/uploads/2011/08/SCCCJ-Women-In-Prison-Briefing-Paper2.pdf>

^{iv} https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/10/HMIP-AR_2013-14.pdf

^v UN Convention on the Rights of the Child, Article 37(c)

^{vi} <https://www.childrenscommissioner.gov.uk/publications/unlocking-potential>