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Response to	<b>Young adult offenders inquiry</b>
Issued by	<b>The Justice Committee</b>
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The Justice Committee welcomes submissions by 30 September 2015 addressing this subject, with particular reference to the following points:

**1. The nature and effectiveness of the Ministry of Justice's strategy and governance structures for dealing with young adult offenders.**

No comment

**2. The suitability of current provision for young adult offenders i) in the community and ii) in custody, including the extent to which there is distinct provision currently, and addressing the following questions:**

No comment

- **What is the evidence on how outcomes across a range of measures for young adult offenders compare with other offenders?**

No comment

- **Taking into account the findings of the Harris Review, what measures should be prioritised in addressing levels of suicide, self-harm, and violence amongst young adult offenders currently held in custody?**

No comment

- **What impact have the Transforming Rehabilitation reforms had on the transition between youth offending teams and probation services?**

Reforms to probation services are in their early stages so it is not possible for the MA to comment as yet on whether these reforms will have an impact on the transition between youth offending and probation.

Youth magistrates have the opportunity to witness the positive effect youth offending teams (YOTs) can have on reducing reoffending and supporting young people to change their behaviour, and the MA welcomes the holistic, problem solving, multi-agency approach taken by YOTs. Of course, welfare has to be considered when dealing with young people, and there is no similar requirement within the

adult jurisdiction, however, lessons can still be learned from measures taken by YOTs that are shown to be effective in reducing reoffending.

It is also important that if a young person moves from being supported by YOTs to being supervised by adult probation, the transition should be as smooth as possible and any lessons from the YOT's work with that young person should also not be lost. For example, whether an intervention has previously been successful in changing offending behaviour with a specific person, is vital information for adult probation. In the case of reoffending or breaching an order after the age of 17, probation should make use of information from the YOT to assist with appropriate sentencing recommendations. There should also be continuity of support for looked after children turning 18 or becoming care leavers.

**3. The Harris Review advocated a distinct approach to young adult offenders. Is this desirable? If so, what would this entail i) in the community and ii) in custody? If not, why not? Please also address the following questions:**

No comment

- **Should sentence to detention in a young offender institution for 18-20 year old offenders be abolished? If so, what should replace it?**

No comment

- **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. Do you agree?**

No comment

- **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?**

The Criminal Justice Act 2003 makes it clear that custody should only be used where it is unavoidable. Furthermore, the Magistrates' Court Sentencing Guidelines state that "passing the custody threshold does not mean that a custodial sentence should be deemed inevitable; custody can still be avoided in light of offender mitigation or where there is suitable intervention in the community which provides sufficient restriction (by way of punishment) while addressing the rehabilitation of the offender to prevent future crime".

For magistrates to divert from custody, service provision has to be available, (for instance in terms of geographical location), appropriate (for example it may not be appropriate for some vulnerable defendants to carry out certain unpaid work) and magistrates have to be aware of the service provision.

The MA supports the use of out of court disposals only where appropriate – for instance in the adult court unless the circumstances are exceptional, out of court disposals should only be used for low-level, first-time offending.

**4. What legislative or other barriers are there to more appropriate practices for young adult offenders and how could these be overcome?**

No comment

**5. What impact, if any, has the introduction of maturity as a mitigating factor in sentencing decisions had on sentencing practice for young adults?**

Magistrates take into account any personal circumstances and vulnerabilities when sentencing, and where possible and appropriate, maturity is one such factor. Having maturity on the list of mitigating factors can be a reminder to take account of it, especially if the defendant shows signs of immaturity, so can make a difference to sentencing.

- **Do sentencers have sufficient information to make assessments of maturity?**

As with any mitigating factor, the court will be dependent on the information brought before it by either the National Probation Service or the defence in order to make a judgment.

If it is raised as mitigation, magistrates need sufficient information to be available to them in order to make a judgement. Magistrates can also engage with an individual before sentencing which can assist them in coming to a decision about maturity.

The factors which could help inform decisions on maturity include family background, educational history, information from relevant professionals, employment history and additional information from probation.

**6. What impact, if any, has the inclusion of the concept of maturity in guidance for assessing culpability (in the Code of Conduct for the Crown Prosecution Service) had on prosecution decisions? Do prosecutors have sufficient information to make such assessments?**

No comment

**7. How could a criminal justice system which would treat young adults on the basis of maturity rather than age operate in practice?**

The current system allows the court discretion to take maturity into account, regardless of jurisdiction and sentencing guidelines allow sufficient flexibility if maturity is raised as mitigation.

Youth magistrates receive training in the use of language appropriate to the comprehension levels and maturity of the young person before them. This ensures magistrates have the skills to engage directly with young defendants. The MA supports greater engagement in the adult criminal court, particularly with defendants who may be less mature or in other ways vulnerable. This ensures defendants understand and follow the process.