

# Response to Justice Committee inquiry into young adult offenders

by Her Majesty's Chief Inspector of Prisons

## Introduction

1. We welcome the opportunity to submit a response to the Justice Committee inquiry into young adult offenders.
2. Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a statutory duty to report on conditions for and treatment of those in prisons, young offender institutions (YOIs) and immigration detention facilities. HMI Prisons also inspects court custody, police custody and customs custody (jointly with HM Inspectorate of Constabulary), and secure training centres (with Ofsted).
3. HMI Prisons coordinates, and is a member of, the UK's National Preventive Mechanism (NPM) the body established in compliance with the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture (OPCAT). The NPM's primary focus is the prevention of torture and ill treatment in all places of detention. Article 19 (c) of the Protocol sets out the NPM's powers to submit proposals concerning existing or draft legislation.
4. The following response is based on evidence from HMI Prisons' inspections, including its confidential survey of prisoners.<sup>1</sup> HMI Prisons submitted its views to both the Ministry of Justice consultation '*Transforming the management of young adults in custody*' and to the '*Harris Review into self-inflicted deaths in custody of 18-24 year olds*'.<sup>2</sup>

## Young adults in custody

5. There were 16,452 18-24 year old men in custody in June 2015, constituting 20% of the total male prison population. At the same time there were 537 18-24 year old women in custody, constituting 14% of the total female prison population.<sup>3</sup> Between June 2011 and June 2015, the proportion of 18-24 year old males in the prison population fell from 26% to 20% of the total male prison population; 18-24 year old women as a percentage the total female prison population fell from 22% to 14%. The reduction in young adults over recent years in total and as a percentage of the total prison population has been significant, and is to be welcomed. However, those who remain are some of the most vulnerable, troubled young adults and have complex needs.

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<sup>1</sup> As part of each inspection a random and statistically representative sample of prisoners is selected by HMIP researchers and invited to complete a confidential survey. Face-to-face interviews are offered to those with literacy and/or language difficulties.

<sup>2</sup> <http://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/02/hmip-response-moj-transforming-management-young-adults-in-custody-consultation.pdf> and <http://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/02/HMIP-submission-to-the-Harris-Review-240714.pdf>

<sup>3</sup> Ministry of Justice (2015) *Offender management statistics quarterly: April to June 2015*. London: Ministry of Justice.

6. HMI Prisons survey data published during 2013-15 (relating to over 14,000 prisoners) shows that compared to the adult prison population, a significantly higher proportion of young adults (aged under 21) are foreign nationals, of black or minority ethnic background, or Muslim. The characteristics of the 876 18-20 year olds surveyed by HMI Prisons during 2014-15, compared to older prisoners, were as follows:

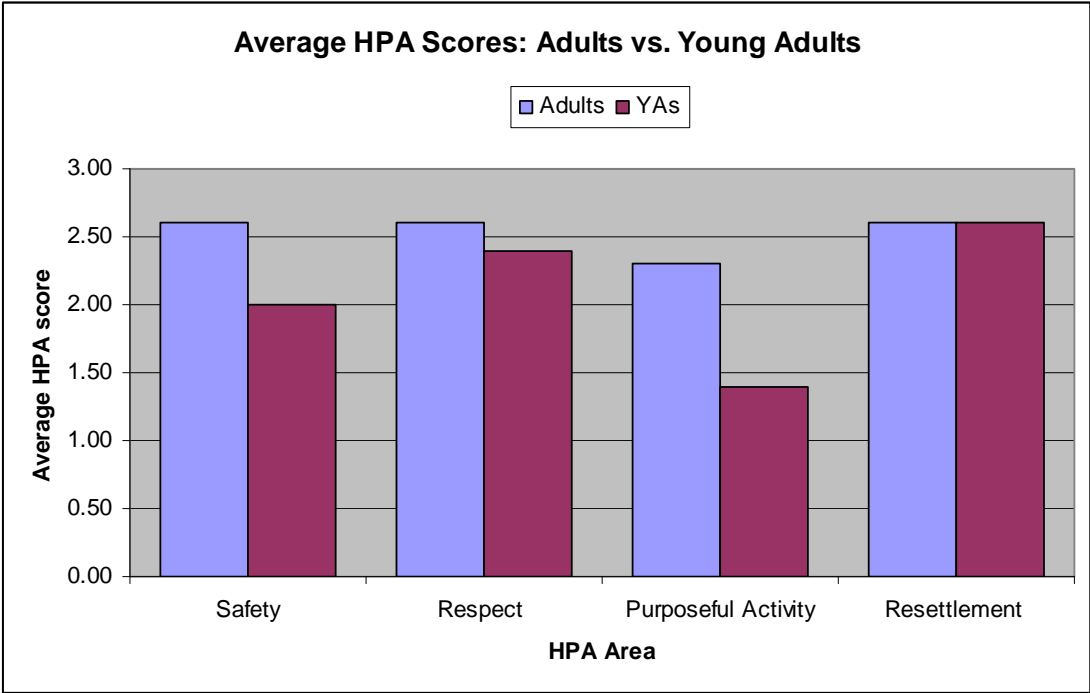
<b>Characteristic</b>	<b>Young adults (under 21) (%)</b>	<b>Older adults (%)</b>
Foreign nationals	<b>13</b>	<b>11</b>
BME	<b>36</b>	<b>26</b>
Muslim	<b>19</b>	<b>12</b>
Disability	<b>17</b>	<b>22</b>
Gay/ bisexual	<b>5</b>	<b>5</b>

7. Young adults in custody are not a homogenous group and have specific needs that are informed by a range of factors including maturity levels, previous experiences, family circumstances or previous educational achievement.
8. In November 2013, the Ministry of Justice began a process of integrating more young adults into the adult population. This largely began with young adults held on remand, in 2013. This process was halted when Lord Toby Harris began his review into the deaths of young adults in prison. Lord Harris subsequently reported his view that radical changes are needed to bring about a reduction the number of deaths of young people in prisons. HMI Prisons presented evidence to both of these reviews in support of our view that there needs to be a clear and coherent strategy to ensure the management of young adult men within the wider prison population and that this needs to be based on the individual needs of the young adult men themselves.
9. During our inspections we do not see evidence of any coherent strategy, rather we see a system that provides inconsistent treatment and takes little account of individual needs when placing individual young adult men in very different settings across the prison estate.
10. Currently, young adults are currently held in a range of establishments, including dedicated 18-21 YOIs, 18-25 YOIs and integrated into adult prisons. Dedicated young adult establishments (HMYOIs) are at Aylesbury, Brinsford, Deerbolt, Glen Parva, and Thorn Cross. HM YOI Feltham and HMP Hindley are spilt sites holding young adults and children, and young adults and adults respectively.
11. Where integrated into establishments with older adult prisoners, there is a broad range in the numbers that are integrated. HMIP inspection surveys published during 2014-15 indicate that at HMPs Askham Grange, Leicester and Spring Hill, there were one or two young adults integrated into the adult prison population, increasing to 12% at HMP Chelmsford, 16% at HMP Doncaster and 43% at HMP/YOI Swinfen Hall.<sup>4</sup>
12. All young adult women are integrated within the adult women's estate. In recent inspections we have found provision for this group to be variable; while in Peterborough (2014) we found young women receiving good support in a dedicated unit. In other establishments provision was underdeveloped and not based upon the needs of the population (Low Newton 2014, Foston Hall 2014).

<sup>4</sup> Figures relate to 18-20 year olds as a category included in most recent HMIP survey data.

**The experiences of young adults in custody**

- 13. HMI Prisons assesses prisons against four ‘healthy prison’ areas (HPAs): safety, respect, purposeful activity and resettlement. Evidence from the surveys HMI Prisons carry out at the start of each inspection demonstrates that young adults have poorer perceptions of prison life than prisoners over the age of 21 across a range of safety, respect and activity indicators. These perceptions are supported by our overall inspection findings, which bring together evidence from a wide range of sources.
- 14. Our healthy prison area scores demonstrate that outcomes for young adults are broadly inadequate, whatever type of establishment they are held in, but a comparison of HPA scores from inspections undertaken between April 2012 and December 2014 shows that two of our expected outcome areas – safety and purposeful activity – generally score lower in dedicated young adult YOIs than in adult male prisons (Cat. A and open establishments are excluded). Respect and resettlement outcome areas were comparable.<sup>5</sup>



**Safety**

- 15. We continue to find during inspections that violence is high in young adult YOIs (Glen Parva 2014, Deerbolt 2014, Brinsford 2015 and Aylesbury 2013) and the interventions to deal with violence are ineffective. When young adults are integrated into adult establishments we have found they are over represented amongst both perpetrators and victims of violence (Rochester 2013, Stoke Heath 2015, Altcourse 2014, Pentonville 2015). In many of these establishments there was no strategy to manage this group.
- 16. 18-20 year olds held in both dedicated and integrated establishments report negative outcomes around perceptions and experiences of safety. 37% of young adults integrated with older adults and 42% of young adults in dedicated YOIs reported ever having felt unsafe.<sup>6</sup> 27% of young adults integrated with older adults and 31% of those in dedicated YOIs reported having ever experienced victimisation. Young adults were also more likely than

<sup>5</sup> HPA scores are derived from inspections of five dedicated young adult establishments and 69 adult establishments.

<sup>6</sup> When comparing non-dedicated sites we excluded those establishments with five or fewer young adults.

adults to report having been physically restrained - 20% compared with 7% of adults aged over 21.

17. This most recent survey data may suggest that the perception on safety of young adults held in integrated sites is improving, perhaps as the system settles down. Our analysis of survey results has shown that perceptions have improved since we submitted evidence to the Harris review. However, these results should be treated with considerable caution. We inspect different prisons each year, and adult male prisons less frequently than YOIs, so the figures are not reliably comparable over time.
18. According to our analysis of data provided during inspections, assault incidents per 100 prison population remain higher in young adult YOIs than adult male prisons. In YA YOIs inspected between 2013 and 2015 there were 19.44 assaults per 100 prison population, against 8.23 per 100 population in adult male local prisons and 4.54 per 100 population in adult category C training prisons.
19. NOMS safety data confirms that young adults are more likely to be involved in assaults than older adults. On average, 23% of assailants, 28% of fighters and 20% of victims of the assaults recorded during 2014 involved 18-20 year olds (male and female) in all establishment types.
20. NOMS safety data also demonstrates that self harm is increasing among young adult males. Among 18-24 year old men self harm incidents per year have increased from 4,213 in 2008 to 6,843 in 2014 (up 62%). 18-20 year-old men accounted for 13% of the total males self-harming in 2014 (rising to 36% for those aged 18-24). The corresponding figure for women was 11% (rising to 34% for those aged 18-24).<sup>7</sup> Among all adults aged 18 and above, there was a 6% increase in recorded self harm incidents (from 23,805 in 2008 to 25,418 in 2014).
21. There were 14 self-inflicted deaths of male prisoners aged between 18 and 24 in 2014 (up from 12 deaths in 2013). This increase matches a general trend in the male prisoner population. Self inflicted deaths of male prisoners rose by 11% in the same period.
22. Across the prison estate young adults were more likely than adults to report having been physically restrained in the last six months - 20% compared with 7% of adults aged over 21.

### **Purposeful activity**

23. Our inspection reports suggest that if young adults are given enough purposeful activity to keep them occupied they behave better within a custodial environment and it becomes a safer place (Feltham 2014, Deerbolt 2014). However, in some establishments (Aylesbury) the response to violence was to maintain security by locking young adults their cells for long periods which restricted their access to activities and created tensions when they were unlocked.
24. Across our inspections of young adult YOIs we found too many prisoners locked up during the core day. Time out of cell was considerably less than the published core day and/or recorded unlocked time. We regularly find around one in three young adults locked in their cells during the working day (Swinfen Hall 2014, Brinsford 2015, Aylesbury 2013 and Glen Parva 2014).
25. Our survey data also points to specific concerns around low rates of time out of cell among young adults, who were significantly less likely than older prisoners to report spending ten or more hours out of their cell on a weekday (6% vs. 17%), or to go on association more than five times a week (46% vs. 55%). In this regard we welcome the recommendation of the

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<sup>7</sup> Ministry of Justice (2015) *Safety in custody quarterly update to December 2014 and annual*. London: Ministry of Justice.

Harris Review that young adults should be able to spend a reasonable amount of time outside their cells, engaged in purposeful activity.

26. At a recent inspection of Aylesbury, education provision was inadequate with poor attendance, punctuality and achievement rates in classroom based subjects. At Swinfen Hall (2014) despite having almost enough activity places for its population, managers did not make full use of the available activity places and too often closed contract workshops or had to reduce prisoner attendance due to staff shortages or insufficient work.

## **Conclusion**

27. The management of this group of prisoners within the population is a significant challenge and there are no easy solutions. We welcome the Harris Review's focus on improving safety for young adults and the importance of purposeful activity and will be responding directly to the recommendations made to HMI Prisons separately.
28. As indicated above, and underscored by our inspection evidence, it is clear that current strategy and structures for young adults are inadequate. A coherent strategy or approach is required and placement decisions should be based on individual needs assessments. In order for this to be successful the quality of placements for this population also needs to improve.
29. It is clear that no one model of provision will meet the needs of all young adults nor ensure their safety. HMI Prisons considers that a variety of different settings should be maintained to be able to meet these needs, including dedicated YOIs, smaller units within adult establishments and integrated regimes. As our inspections show, local practice needs to improve in all current settings to ensure young adults are held safely and are able to use their time in custody purposefully as they transition into adulthood.
30. Alongside these different settings, specific regulations to ensure the specific risks, needs and circumstances of young adults are identified and addressed should apply, wherever they are held. Strategic management of the young adult population in custody should be provided through specific arrangements within NOMS.

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**30 September 2015**

### **Reports cited:**

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<http://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmyoi-brinsford-4/>

HMYOI Deerbolt (2014)

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