

The Cost of a Broken Promise

Juliet Lyon illuminates the plight of 18-20 year olds neglected by the reforms of the *Crime and Disorder Act*.

“We will build on our youth justice reforms to improve the standard of custodial accommodation and offending programmes for 18 to 20-year-old offenders.”

The Prime Minister gave this commitment on 16th May 2001 as part of the Labour Party Manifesto pledge to tackle persistent offending and create strong and safe communities. Failure to honour this pledge has carried a high social and economic cost.

Between May 2001 and December 2003, according to Home Office figures, over 85,000 18-20 year olds were received into prison custody. Significant numbers of teenagers in general, and of black young men in particular, have been condemned to experience some of the worst conditions in young offender institutions and, increasingly, in local adult jails. Most will have emerged more, not less, likely to offend again.

Perverse effect

Far from building on the youth justice reforms, the perverse effect has been a marked deterioration in standards and programmes for older teenagers in custody. The creation of the new youth justice system under the *Crime and Disorder Act 1998* led to a radical reframing of services for under 18 year olds who offend, integrated multi-agency youth offending teams, a new emphasis on parental support, a range of intensive community sentences and improvements in the juvenile prison estate. But there were unintended consequences: in particular, the surge in the use of custody for children under the popular new Detention and Training Orders and the damaging neglect of the so-called ‘young adult prisoners’, 18 to 20 year olds. Still in transition from adolescence to adulthood, these young people were deemed too old to benefit from the reforms.

Yet in 1998, under protective legislation, young people leaving care were offered on-going support until they are 21. So why, in the same year, did the *Crime and Disorder Act* establish an early cut off point for improving regimes? Demographic data shows that teenagers in society are entering employment later and taking longer to leave the parental home. Why, then, did the Home Office decide that, at just 18, young prisoners were mature and robust enough to handle impoverished conditions in overcrowded jails?

In a cash-strapped Prison Service, responding to the needs of a particular group within the population will almost always lead to depressing trade-offs. The

massive injection of ring-fenced funds for the juvenile estate by the purchaser, the Youth Justice Board, to the provider, the Prison Service, together with the establishment, and monitoring of, standards (PSO 4950) has created an unjust two-tier system. Improved regimes for the under 18s have thrown into sharp relief the poor treatment of 18-20 year olds. Operationally, the reforms have ensured that, where there are shared facilities such as a gym or education and skills unit, children in prison must always take priority, inevitably limiting opportunities for exercise and training for older teenagers. Small wonder that many of the more motivated officers on split sites have gravitated towards work with juveniles. Here there is more chance of constructive engagement with children and young teenagers, as well as noticeably greater encouragement by top management.

Following the reform of sentencing arrangements for 12-17 year olds and a consultation on “detention in a young offender institution for 18-20 year olds”, the director general of the Prison Service issued a briefing in April 2000 to confirm that the Government was “considering the current sentencing arrangements for 18-20 year olds... This will involve a thorough assessment of whether alternative arrangements would be more effective in meeting the accommodation, regime and resettlement needs of the young adult age group.” These plans appear to have been confounded by population management pressures and cost-cutting measures.

With no budget and no policy guidelines, in October 2003 the Prison Service convened a conference, ‘Improving Regimes for Young Adults’, to showcase a range of innovative, unconnected voluntary sector initiatives in individual establishments. At this event, the director of resettlement confirmed that there was no new money for this age group, other than that earmarked under the custody to work initiative, so it was a matter of ‘how can we make the best use of what we’ve got?’

The area manager for the North West, who has lead responsibility for 18-20 year olds in prison, acknowledged that “the Prison Service has not done as much as it could have done for this age group.”

No secret

Evidence of the way in which the youth justice reforms have adversely affected young adult prisoners has been repeatedly drawn to the Home Secretaries’ attention. Independent Monitoring Boards, in successive annual reports, have criticised disparities in funding and provision where juveniles and young

offenders are held in separate accommodation on the same site. Parliamentary questions have been raised about the practice of holding young offenders in adult prisons.

The Chief Inspector of Prisons in her Annual Report (2002) noted that: "The provision of more, and better targeted, resources for 18-20 year olds was one of the Government's very welcome manifesto commitments. It is also one of the most necessary within the prison estate; but it has still not been implemented". This report condemns the resulting inequalities for juveniles and young offenders and described regimes for young adults, the most prolific offenders, as "patchy and sometimes wholly unsatisfactory". Anne Owers reported that: "Our surveys of young prisoners in the six establishments we inspected clearly show these deficiencies and discrepancies. In some, barely a quarter said that they had access to education and less than a half to work; some establishments were succeeding in providing sentence plans and 4 hours' time out of cell at weekends for 80% of young men, while others struggled to do so for a third of them. But even the best establishments were unable to provide enough positive activities and regimes for their population; and very few young people felt that they had been involved in anything positive."

Most recently the report of a full inspection of HMYOI Castington in 2003, commended the high quantity and quality of education and training for under 18 year olds but found that, by contrast, there was "virtually no vocational or skills qualifications for 18-20 year olds who spend about 22 hours a day in their cells and no education at all for those on remand".

Harm done

"I'm not being funny but I think the harder the prison, the more worse it turns you mentally, you know in your head."

Young man in custody

Prison will always be a formative experience, never a neutral environment. Current levels of overcrowding have reduced prisons to little more than holding centres. Movement from jail to jail condemns young people to perpetual uncertainty. Personal officers are rarely allocated. While establishments such as Thorn Cross and Lancaster Farms have shown that it is possible to create healthy institutions for young people, to do so requires a level of consistent leadership, planning and resources which are hard to come by in the Prison Service.

Young offenders are an exceptionally needy and challenging group of young people. They seem to have grown up fast due to disrupted lives and early involvement in crime. Yet we know that many young prisoners experience developmental delay and an undisclosed number have learning disabilities. Most young people received into prison custody will be suffering from a diagnosable mental disorder, including 10 per cent with schizophrenia compared to 0.2 per cent of the general population. They will have left school well before the age of 16 with no qualifications. Most will have grown up in poor households. Estimates vary but between one third and a half will have spent some time in local authority care prior to custody and many will have slept rough. Young prisoners are much more likely than young people in the community to have used illegal drugs, engaged in hazardous drinking, become early parents and to have attempted suicide. Up to 30 per cent of young women in custody report having been sexually abused in childhood and many young offenders will have experienced untimely bereavement. These are teenagers on the margins.

And prison will exclude them still further.

Start again

How much better then to create small secure settings, not huge prisons, for those few young men and women who need to be contained or detained. These could be closer to home, with an emphasis on continuity of care and professional multi-agency staffing. They should be sited in the community and closely linked to statutory and voluntary services. Resettlement plans, age-appropriate regimes and the active involvement of young people should be central to their development. Above all they must be safe places of last resort, responsive to diverse needs, where adolescents can change.

If the Government is serious about tackling persistent offending and creating strong and safe communities it could move swiftly in this parliamentary term to make good a costly broken promise by:

- Prioritising offender management and community penalties for 18-20 year olds under the Carter reforms.
- Establishing mental health court diversion schemes and drug and alcohol treatment in the community.
- Extending Sure Start to respond to the needs of young parents who offend.
- Implementing cross-cutting recommendations made by the Social Exclusion Unit.
- Rooting out racism in the criminal justice system.
- Involving local communities and young people themselves in finding solutions to cut crime.

Juliet Lyon is director of the Prison Reform Trust. PRT is grateful to the Monument Trust for supporting its work to improve regimes for 18-20 year olds. PRT is also working in an advisory capacity to the Barrow Cadbury Trust as it moves towards establishing a Commission on Young Adults and Offending.

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