

## Howard League for Penal Reform's response to the HMPPS Young Adults Custodial Strategy 2021-22 January 2022

### 1. About the Howard League for Penal Reform

- 1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with the United Nations and participatory status with the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.
- 1.2 The Howard League works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.
- 1.3 The Howard League's legal team works directly with children and young adults in prison. We have drawn on our legal work in responding to this consultation. The Howard League is also a founding member of the Transition to Adulthood Alliance and has worked in recent years with collages across the sector to highlight the needs of young adults during the sentencing process. Information about that work, including a series of short films, can be found online at <https://howardleague.org/legal-work/sentencing-young-adults/>
- 1.4 The Howard League would welcome the opportunity to provide further information about any of the points below.

### 2. Overarching response

- 2.1 The Howard League is pleased to respond to the HMPPS Young Adults Custodial Strategy 2021-22. This response is focused on key principles and any major omissions that HMPPS might wish to consider before finalising the strategy.
- 2.2 The creation of a bespoke strategy for young adults in custody and the commitment of HMPPS to recognising the specific needs of 18- to 25-year-olds is welcomed by the Howard League and is in step with the broad consensus that young adults in the criminal justice system require a distinct approach.

### 3. Mission, vision and purpose

- 3.1 The mission statement is positive in its commitment to recognising the specific needs of young adults in custody.
- 3.2 However, it also ought to also recognise the important role custody should play in preparing young adults for release into the community. This is in accordance with Rule 3 of the YOI Rules (2000), that the aim of YOIs should be to prepare young adults for their return to the outside community. Rule 3 provides:
- “Aims and general principles of young offender institutions
- 3.—(1) The aim of a young offender institution shall be to help offenders to prepare for their return to the outside community.
- (2) The aim mentioned in paragraph (1) shall be achieved, in particular, by—
- (a) providing a programme of activities, including education, training and work designed to assist offenders to acquire or develop personal responsibility, self-discipline, physical fitness, interests and skills and to obtain suitable employment after release;
- (b) fostering links between the offender and the outside community; and
- (c) co-operating with the services responsible for the offender’s supervision after release.
- 3.3 Highlighting the relevance of the strategy to fulfilling this rule can only strengthen the extent to which it is held in high regard among professionals.
- 3.4 The mission section would also benefit from empowering young adults themselves to play an active part in achieving the outcomes from the strategy. This is especially significant given how important a sense of agency can be for young adults to promote desistance and rehabilitation.
- 3.5 The young adult prison population is currently disproportionately made up of young adults of Black or ethnic minority backgrounds. In June 2020, 41 per cent of 18- to 25-year-olds in prison were from Black and minority ethnic backgrounds, and 21 per cent were Black.<sup>1</sup>
- 3.6 The strategy overall must expressly acknowledge of the overrepresentation of Black and mixed ethnicity young adults in the prison system and outline their strategy for reducing it.
- 3.7 Similarly, there is a high number of care experienced young adults in prison. The strategy should highlight this from the outset, emphasising the importance of correctly identifying those who are entitled to leave care support as this is not always obvious or known to young adults themselves.

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<sup>1</sup> [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

- 3.8 In light of the developing knowledge about young adult needs and brain maturation, the purpose of the strategy should focus on the challenges that young adults are facing, rather than the ones they present as part of the prison population.

#### **4. Evidence summary**

- 4.1 The data provided in the strategy is powerful and demonstrates the need for a specialised approach to young adults in custody. However, this part of the strategy should contain a clear message about why it is essential it is for staff and young adults to understand this information. The strategy should expressly state that the evidence summary supports the need to treat young adults differently, both because they are generally still maturing and because young adults in this age group often have particularly high levels of need.
- 4.2 The evidence summary misses the key point that underpins the rationale for the strategy; on-going maturation. It needs to clearly state, as the Lord Chief Justice has in caselaw, that the way the brain develops means that young adults' brains are still maturing into their mid-twenties and that this affects their decision making. It should also be noted here, as recognised by the Sentencing Council, that young adulthood is a peak time of desistance and young adults are often growing out of offending as they mature.

#### **5. Outcomes**

- 5.1 The outcomes, principles, and work that has been done so far to achieve them are an excellent starting point.
- 5.2 However, there is much more that could be done to ensure that all young adults' needs are met which the Howard League would be happy to discuss with you.

#### **6. Annex A Baseline Priority Expectations for Prisons**

- 6.1 These baseline priority expectations for prisons highlight important standards for prisons working with young adults.
- 6.2 However, young adult women, although representing a much smaller percentage of the young adult prison population, must be factored into these baseline priorities, which currently focus on young adult men in custody.
- 6.3 The needs of young adults from Black and ethnic minority backgrounds and of care experienced young adults must also be incorporated into these expectations.