

ANNEX A: ADVICE FROM THE HOUSE OF COMMONS' JUSTICE COMMITTEE

The Justice Committee's 2016 report¹ set out the research findings from a range of disciplines. Its conclusions strongly supported the view that young adults, particularly young men, are a distinct group with needs that differ both from children under 18 and generally from adults 25 and over. This view is underpinned by appreciation that the developmental maturation process has particular relevance to children and young adults.

The 2016 report concludes:

- Despite there being similarities in the needs of under 18s and young adults involved in the criminal justice system, the policies and structures that apply to children vary greatly from those that apply to adults.
- Both age and maturity should be taken into significantly greater account within the criminal justice system. Arrangements for young adults should presume that up to the age of 25, young adults are typically still maturing.
- Young adults are still developing neurologically up to the age of 25 and have a high prevalence of atypical brain development.²
- The strategic approach to young adults should be founded on the clear philosophy that the system should explicitly acknowledge their developmental status, focus on young adults' strengths, build their resilience and recognise unapologetically the degree of overlap between their status as victims and offenders.
- Adopting a distinct approach towards young adults is likely to result in improvements in the ways in which they are managed and supported in the criminal justice system which would improve outcomes and reduce costs.
- There is overwhelming evidence that the criminal justice system does not adequately address the distinct needs of young adults.
- Current approaches to the treatment of young adults in the criminal justice system are not consistently appropriate to the developmental stages they have reached: they do not sufficiently recognise the strong evidence about brain development, maturity, and cognitive impairment impact on how young adults experience the system.

The Justice Committee published a follow up-report in 2018³ and concluded that:

¹House of Commons Justice Committee "[The treatment of young adults in the criminal justice system](#)" *Seventh Report of Session 2016-17 HC 169* October 2016

² Scottish Sentencing Council "[The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts](#)" February 2020

³House of Commons Justice Committee "[Young adults in the criminal justice system](#)" *Eighth Report of Session 2017-19 HC 419* June 2018

"The Ministry has adopted a narrow approach to reform due to cuts to its wider budget and the need for practicality. In the absence of evidence that it has had any positive impact on outcomes for young adults in the 18 months since the Government responded to our predecessor's carefully considered, evidence-based, and well-received Report, we are not persuaded of the efficacy of this approach.

The remarkable improvements in outcomes for under 18s in custody strengthens our conviction that our criminal justice system is failing their young adult counterparts. The waste of young adults' talents and energies is one of the great social challenges of our time. The lack of decisive action is also failing society at large as citizens continue to experience crimes which should be preventable and which would gain from these young adults' contributions should they be given the right opportunities. The Ministry must commit to more fundamental reform in its Justice 2030 project. By 2030 we expect prison and probation services to have developed cultures which recognise young adults' strengths, address the trauma many of them have experienced, and support them effectively to develop non-criminal identities and for this to be reflected in improvements in outcomes."

The Justice Committee also set out concerns about how the Ministry of Justice was responding to the recommendations from the *Lammy* review⁴ concerning the overrepresentation of young Black and Muslim men in the custodial population.

Their report again made a strong case for a distinct approach to, and additional investment in, young adults to be underpinned by acceptance of the developmental maturation processes taking place for individuals in this age group.

In the context of the criminal justice system, this is important as young adults who commit crime typically stop doing so by their mid-20s. Those who decide to desist can have their efforts to achieve this frustrated both by (a) their previous involvement in the criminal justice system because of the consequences of having criminal records; and (b) limitations in achieving financial independence due to lack of access to affordable accommodation or well-paid employment, as wages and benefits are typically lower for this age group.

The Parole Board commenced a young adult pilot in October 2017 which ran for over 18 months and supported the presumption of an oral hearing for those young adults who could not be released on the papers. The pilot was supported by the Members Representative Group (MRG). In June 2019, the Management Committee signed the pilot policy into business as usual.

⁴ ["The Lammy Review An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System"](#) September 2017