



Alliance
for Youth
Justice



Adultifying youth custody

Learning lessons on transition to adulthood from
the use of youth custody for young adults

January 2025

About this briefing

This is the second in a series of three policy briefings by the Alliance for Youth Justice on critical issues faced by young people in contact with the criminal justice system transitioning to adulthood.

This briefing explores the impacts of the significant increase in young adults held in the children's secure estate across 2023 and 2024 on both under and over 18s. It highlights the questions this raises around the purpose and future of youth custody, and the lessons learnt for custody for young adults. It calls for a child-centred children's estate; the development of a distinct approach to custody for young adults; and case by case decisions to transition young people turning 18 between the two estates.

It draws from an [evidence review](#); workshops bringing together professionals from the youth and adult criminal justice sector, voluntary and community sector, academia and legal representatives; meetings and interviews with practitioners and civil servants; and consultation sessions with 50 children and young adults held in child and adult custodial settings, facilitated by Kinetic Youth Ltd.

About the project

The '[Young People in Transition in the Criminal Justice System](#)' project is a three-year project by the [Alliance for Youth Justice \(AYJ\)](#), supported by the Barrow Cadbury Trust. It examines the experiences of children and young people turning 18 while in contact with the justice system, exploring issues spanning the youth and adult criminal justice systems and wider support systems.

By drawing on existing evidence and engaging directly with children and young people, front-line practitioners and other experts, we aim to build a strong and credible evidence base; influence government policy and strategies; enable the development of effective practice; shape the narrative around young people in transition; and support young people to empower themselves as advocates to share their experiences and make change.



About the AYJ

The AYJ brings together over 80 organisations, advocating for and with children to drive positive change in youth justice in England and Wales. Members range from large national charities and advocacy organisations to numerous smaller grassroots and community organisations. The AYJ advocates for distinct systems, services and support that treat children as children first and foremost – underpinned by social justice, children’s rights and a focus on positive long-term outcomes. AYJ aims to promote widespread understanding about the underlying causes of children coming to the attention of the criminal justice system, and champion approaches that enable them to reach their full potential.



About the Barrow Cadbury Trust

This briefing was made possible by support from the Barrow Cadbury Trust, an independent, charitable foundation committed to bringing about a more just and equal society. Transition to Adulthood (T2A) is convened and funded by the Barrow Cadbury Trust. It campaigns for a distinct approach for young adults (18-25) based on their ongoing maturation. Registered Charity Number 1115476.

Introduction

Young people turning 18 while in the secure estate face a tumultuous transition between youth custody and adult prisons. The secure estate for children is, in theory, focussed on meeting the distinct needs of under 18s. The vast majority of young adults on the other hand are held in adult establishments where there is very little evidence of any provision designed with their distinct needs in mind. Young people transferring from youth to adult custody face a frightening cliff edge, and getting the transition right is critical to ensuring the safety, wellbeing, and rehabilitation of young people entering adulthood.

The children's secure estate has had longstanding arrangements to retain some young people aged 18 and over to finish out their sentence or aid smooth transitions. Two years ago, however, an interim policy change in response to a capacity crisis in adult prisons led to a rapid and significant increase in the number of over 18s held in the children's secure estate, with concerning impacts on children, young adults, and the establishments themselves. The children's secure estate has spent years stumbling from crisis to crisis, struggling to cope with the children in its care, and it was unprepared for this policy change imposed on it without due notice.

The government's decision to temporarily shift the presumed date a young person transitions from youth to adult custody from the 18th birthday to 19th birthday led to over a third of those held in the majority of Young Offender Institutions (YOIs) being over 18s, for the majority of 2023/24. Alongside the implementation of this policy, conditions in YOIs have been dire, putting the safety and wellbeing of children and young people at risk. Guard dogs and stun grenades have been used against children, a fifth Urgent Notification in five years was issued, a failing YOI has now been closed, and both the previous and current Government have been labouring over a decision to rollout PAVA incapacitant spray to staff.

The Ministry of Justice carried out a review of the interim policy to determine its end date, focussed on tangible short-term impacts on areas like violence and safeguarding. The review has yet to be published but its findings led Ministers to confirm the policy would end from October 2024 in order that the children's estate can "return to maintaining an unwavering focus on the specific needs and vulnerabilities that children present."¹

Beyond the short-term impact explored by the Ministry of Justice review, and its immediate implications for the policy's end date, there is also a need to consider the full longer-term impact and implications. Learning must be gathered with regards to the adultifying of a children's estate that already struggles to treat children as children, and how policy decisions have impacted children's rights to a distinct youth justice system and ensured young adults' needs are met.

This briefing seeks to take a broad view of the impacts, on children and young adults, of the significant change in the population of YOIs. It aims to illustrate not just the impacts here and now, but consider wider implications and risks. These include the opportunity cost of the positive change that could have been achieved during this time, and the potential for a slippery slope towards the government increasingly adultifying youth custody and viewing the children's system as back-up for a failing adult justice system.

It considers the vital need for distinct treatment of children, and raises concerns that despite policymakers agreeing that a specific approach for young adults in custody is clearly needed, change is happening in the wrong direction. Rather than implementing much-needed improvements and distinct support for young adults, conditions and treatment in the children's estate are at risk of being dragged closer to that in adult prisons.

By bringing together perspectives from both the youth and adult justice systems, this briefing carefully considers what recent developments mean for the future of custody for children, and what lessons can be learnt for improving custody for young adults. A new government has an important opportunity to set out ambitious visions and plans for both.

Practitioners, professionals and civil servants spoken to as part of this project are collectively referred to as experts throughout this briefing. Children and young people who are experts by lived experience are referred to as young people. Throughout the report 'the policy' refers to an interim transitions policy that changed the presumed age a young person moves from the youth to adult custodial estate from 18 to 19 years old. This research focusses on experiences in youth secure estate Young Offender Institutions (YOIs) as this is where the majority of over 18s in youth custody are held.

Transition to adulthood in custody: the context



From youth to adult custody

There are important distinctions between the secure estate for children and that for adults. However, a lack of provision designed with the needs of young adults in mind leaves young people facing a destabilising cliff edge when they transition to adulthood in custody.

Children in custody: a distinct system

Children in contact with the law should be treated differently to adults. This is a vital principle underpinning youth justice,² reflected with varying success by the children's secure estate.

Children have different needs and vulnerabilities to adults, and their developmental immaturity and cognitive and emotional functioning impacts their capacities and behaviours.³ The youth justice system therefore strives for an approach that recognises this: making adjustments for higher vulnerability and decreased culpability on account of age.⁴ The system aims to be 'Child First': focusing on the best interests of children, building pro-social identities, encouraging active participation, and prioritising removing children from the system.⁵ Article 40 of the UN Convention on the Rights of the Child (UNCRC) is clear that countries must "seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law."

Accordingly, children deprived of their liberty in England and Wales are held in custodial establishments that are different to adult prisons. Three-quarters of children are held in YOIs, 16% are held in Secure Children's Homes (SCHs), and 9% in Secure Training Centres (STCs).⁶ YOIs are the most prison-like and tend to hold older children, considered less vulnerable, while SCHs most closely reflect a caring model and tend to hold those deemed to require more support.⁷ In 2024 the first Secure School also began a phased opening, and aims to provide a therapeutic environment focussed on education and rehabilitation.⁸

While the children's secure estate faces many significant challenges and often falls far short of Child First principles,⁹ with policies for YOIs and STCs frequently mirroring or adapting adult frameworks,¹⁰ efforts are made to accommodate the distinct needs of children.¹¹ Youth estate settings have their own sets of rules,¹² and different standards of care apply compared to adult prisons.¹³

Young adults in custody: a lack of provision

While there is growing recognition that young adults have needs distinct to both children and older adults,¹⁴ the custodial system for young adults does not reflect this.¹⁵

There is clear evidence that maturation continues until at least the mid-twenties, with implications on cognitive and emotional development, vulnerability, and contact with the justice system.¹⁶ However, while understanding that similar considerations applied to children should be applied to young adults is increasing, the development of a justice system that is specific for young adults is very far behind progress for children.¹⁷

Young adults can be placed in any adult prison, or in one of two YOIs for young adults.¹⁸ In the past there were a number of designated young adult establishments but these sites have begun holding older adults over time as well.¹⁹ In most adult prisons, young adults are a minority, and some prisons have blocks or units designated for young adults.²⁰

A HMI Prisons thematic inspection on young adults in custody highlighted that young adults experience concerning outcomes that are poorer than older adults; that there is no rationale for the young adult estate; no evidence that for nearly all young adults their treatment is any different to that of older adults; and no additional consideration put into the type of establishment they are held in.²¹

The literature is inconclusive regarding whether young adults held in dedicated YOIs fare better than those in general adult prisons. However it is clear that whatever type of establishment young people are held in, there should be dedicated provision tailored to meet their needs, yet this is not the case.²²



Children and young people don't suddenly change overnight and become adults... we have this very abrupt language and distinction between children and adults when we understand that there's a lot of similarities that go across both of them... Although there's been a growing focus, there is still a real gap in provision for young adults... the approach taken with children in terms of Child First and ability to change, we just don't see that in the same way for young adults."

Senior lecturer

Transition from youth to adult custody: a cliff edge

The transition from youth to adult custody is a difficult time for young people, involving an unsettling, significant change in environment, regime and peer group, meaning young people may be particularly vulnerable at this time.²³

A young person transitioning from the children's to the adult estate will experience considerably different supervision, changes in healthcare provision, family contact and visits, and increased severity of restraint, use of force, searching, adjudication and behaviour management.²⁴ Establishments are much bigger, staffing ratios are lower, and there are far fewer resources. The involvement of professionals from the community falls away, and access to services like substance misuse, social care and mental health change or may be lost altogether.²⁵ The changes are daunting and can intimidate and shock young people who have transitioned from the children's estate. There is however a significant increase in autonomy and responsibility which young adults can welcome.²⁶

The transition itself is not always handled well: literature raises concerns about insufficient planning and information sharing, interruptions in interventions, and a lack of awareness about vulnerabilities and neurodiversity.²⁷ There is inconsistency and a lack of coherence regarding when young people transition and where to, with concern that decisions are based on availability and geography rather than case by case consideration and need.²⁸

Sentence lengths have increased over the last decade.²⁹ This may mean that an increasing proportion of children in custody may face this transition to adult custody, and spend significant time in the adult estate.



There are really stark, difficult changes for those going into the young adult estate, such as the contact with family, not having multi-disciplinary reviews, the regime change. In the children's estate there is just a lot more structured activity."

Consultant solicitor



Young adults face significant changes when they transition, in terms of restraint, staffing and the provision that's available. Even though there's been guidance and processes in place, the transition still seems to be very abrupt, very poorly planned, and driven by resourcing rather than the individual."

Senior lecturer



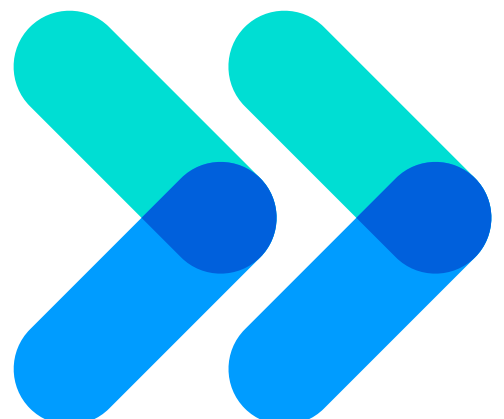
A new policy on transitioning from youth to adult custody

In November 2022 the Ministry of Justice made a policy change that meant many more 18 year olds were kept in the children's estate, rapidly increasing the population and changing overall demographics. Although the government has carried out a review of this change, a broader look is required to truly understand the impact, risks, and to learn lessons for the future.

What changed?

Prior to November 2022, when a child turned 18 while in custody they would usually transfer from the children's secure estate into the adult estate. There is no specific legal bar on young adults remaining in the children's secure estate and **some 18 year olds or even older would remain, supposedly on a case by case basis, for example if they were completing their sentence soon or if they were awaiting transfer.**³⁰ This arrangement was in line with the UN Committee on the Rights of the Child general comment on child justice which is clear that while countries should have a separate system for children, those who turn 18 before completing their sentence or custodial stay should be permitted to complete it rather than be sent to centres for adults.³¹

In November 2022, as part of the government's response to a capacity crisis in the adult prison estate, the Ministry of Justice 'temporarily' **shifted the presumed date a young person transitions from youth to adult custody from the 18th birthday to 19th birthday.**³² This policy remained in place for just under two years, until October 2024, when a phased approach was introduced to bring the policy to an end.³³



The impact in numbers



The population here increased stupidly fast.”

Youth worker in YOI

Before the change in transition age policy was introduced, the average proportion of the children’s estate population who were aged 18 and over was **12%** between April 2020-November 2022, and **9%** in the decade pre-pandemic.³⁴ The overall number of children and young people in the secure estate had been declining for years, and the number of children in the estate was at record lows.³⁵

When the policy was introduced, the change in presumed transition date led to a rapid and significant increase in the number of young people aged 18 and over in youth custody. From November 2022 to July 2023, **the number of over 18s shot up from 49 to 173. An increase of 253% in just eight months**, while in the same period the number of children held in custody only changed from **429 to 443**.³⁶

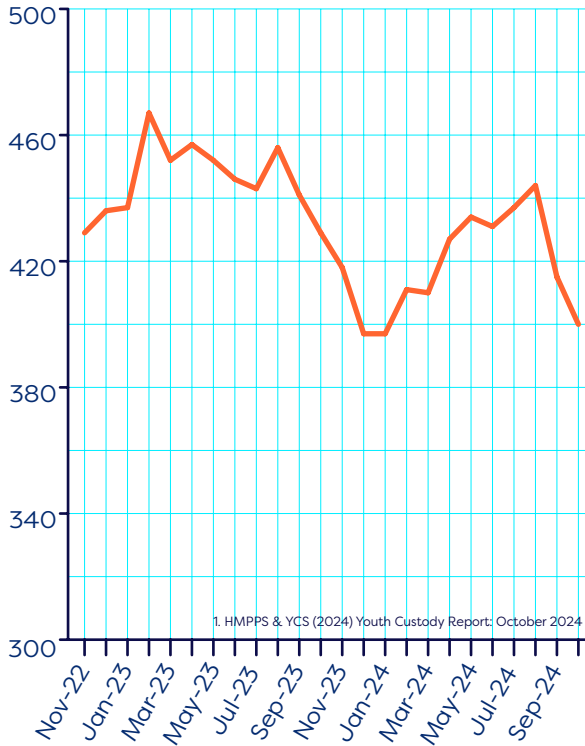
The more than tripling of the number of over 18s in youth custody while the number of children remained relatively stable meant the proportion of the children’s estate that were not children increased from **10% to 28%** in eight months. This peak continued until December 2023, when the number and proportion of over 18s began to decrease, but remained significantly higher than prior to the policy change (the latest available data shows **125** over 18s held alongside **400** children, or **24%** of the children’s secure estate³⁷).

Most young people aged 18 and over will be held in YOIs, rather than STCs or SCHs. FOI data shows **the proportion of YOI populations during this time that were young adults rather than children reached 37% in Cookham Wood (before its closure), 40% at Feltham, 40% at Werrington, 43% at Wetherby, and 50% at Parc**.³⁸ This is compared to an average across YOIs of **13%** in November 2022.³⁹

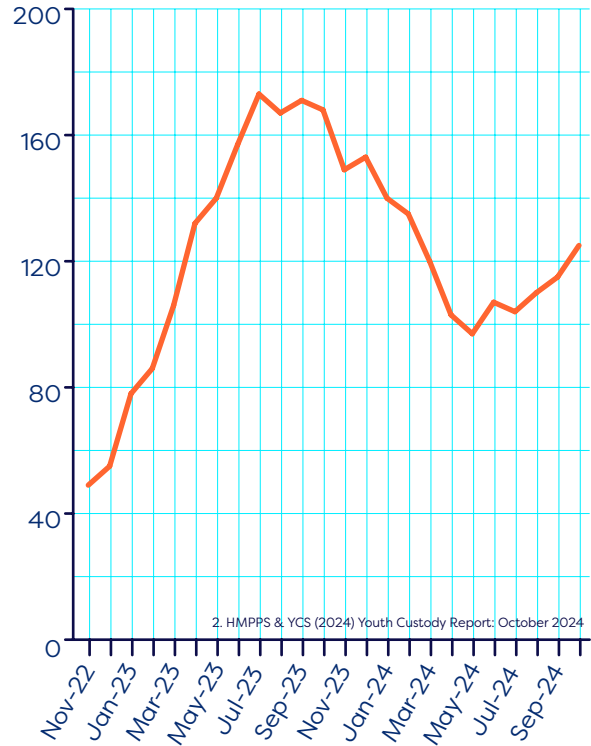
While the average number of children in custody has remained relatively stable, actually decreasing **3%** between the years 2022/23 and 2023/24, the average overall number of children and young people in the estate has increased by **15%**.⁴⁰ Between the policy’s introduction and the peak in young adults eight months later, **the overall population in youth custody shot up by 29%**.



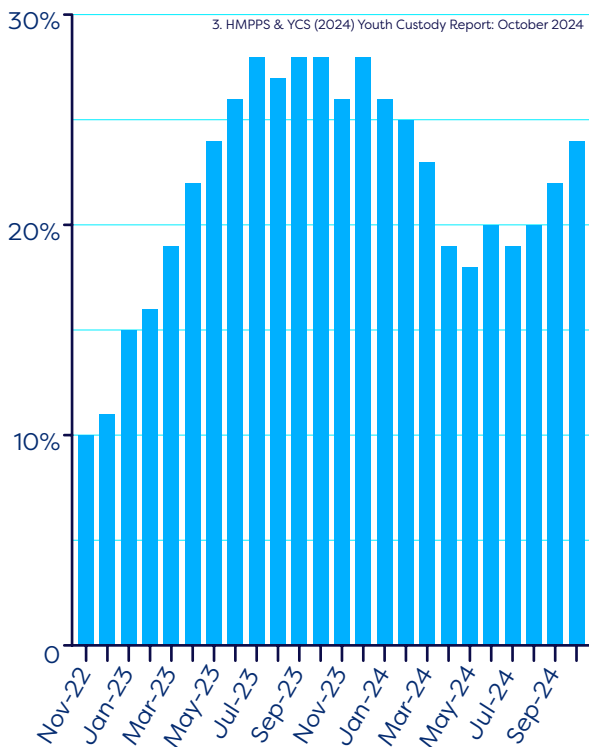
Number of children in youth custody



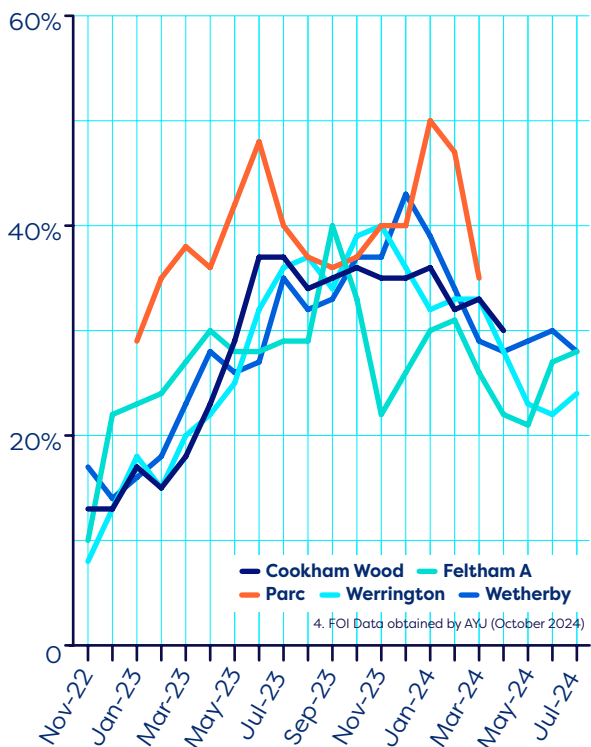
Number of over 18s in youth custody



Proportion of youth custody estate aged 18 or over



Proportion of YOIs aged 18 or over



The Ministry of Justice review

In January 2024, over a year after the ‘temporary’ transition age policy was introduced, the government confirmed that it would be keeping it in place for the foreseeable, expecting to end it “in or by January 2025”, subject to review and consideration. They committed to a “thorough review of how the interim policy arrangements are operating in practice, to be completed by the summer 2024” and originally expected to be published in autumn 2024.⁴¹ The review’s main focuses were on: understanding operational impact on safeguarding, such as changes to referral rates, types, and impact on self-harm; changes in violence, including rates, nature, demographics and consequences for those involved; and access to services, such as education and health services access for those aged 18 and over, and other changes.

In September 2024 the recently appointed youth justice minister Sir Nic Dakin confirmed he had considered the review’s key findings and decided the interim policy would end from October 2024, reverting back to the previous policy of presumed transition at age 18. The review has yet to be published.

While the commitment to review the policy was welcome, experts raised concerns that it’s scope would not capture an accurate or comprehensive understanding of its impact. By focussing on tangible short-term changes, the review may have failed to identify longer-term risks, such as an adultifying of the children’s estate, and setting the system off on a slippery slope of policy decisions that fail to maintain the critical youth justice principle of treating children as children. It may have also failed to capture the positive change that could have been achieved for children at this time, without the policy in place. There is concern that future decisions based on the findings of a narrow review could lead to a diluting of the principle of a distinct justice system for children.



Exacerbating crises in an already failing estate

The children’s secure estate has spent years lurching from crisis to crisis. When the change in transition date was introduced, the estate was far from being in a fit state to meet the needs of the children and young people already held there. Let alone able to cope with a rapidly increasing population and grapple with the different considerations needed for over 18s.

Over the last decade, despite falling numbers of children in custody, the secure estate has been in decline.⁴² Between 2019 and 2021 there were four Urgent Notifications from HMI Prisons for the children’s secure estate.⁴³ Existing issues of volatile establishments, failing regimes, limited time out of cell and poor access to education and purposeful activity were greatly exacerbated by the pandemic.⁴⁴ The estate was still struggling to recover when the new transition policy was imposed: although inspections across 2022 highlighted some positive changes, inspectors concluded time out of cell and access to education required “considerable improvement”, and establishments were struggling with increased conflict and high levels of violence.⁴⁵

After the change in transition date was implemented at the end of 2022, inspection findings worsened and raised serious concerns.⁴⁶ HM Inspectorate of Prisons’ annual report for 2023/24 rings alarm bells about declining safety,



a breakdown in behaviour management, “out of control” and debilitating ‘Keep Apart’ arrangements,⁴⁷ wasted resources, frontline staffing shortages, and very high levels of violence and escalating poor behaviour including incidents of serious disorder.⁴⁸ **Children feel less safe, are spending the “overwhelming majority” of every day locked in their cells, have impeded access to programmes, interventions and visits, and are rarely receiving their statutory entitlement to education.**⁴⁹ A 2024 HMI Prisons report on separation found many children are held in solitary confinement, sometimes prolonged, unable to access the very basics of daily life, with potential “long-term detrimental effects on their health, behaviour and learning.”⁵⁰

During this time conditions have been so awful that Cookham Wood YOI was closed as solitary confinement had become normalised,⁵¹ guard dogs and stun grenades were deployed against children;⁵² a girl held in a previously all-male establishment was forcibly stripped by male officers;⁵³ and the government has been seriously considering giving staff PAVA incapacitant spray to use on children.⁵⁴

The starting point for understanding the impact of the temporary transitions policy must be that establishments were already struggling with staffing capacity to give children and young people time out of their cells, provide appropriate support, and keep them safe. Regardless of the unique challenges that a sudden older demographic may present to an estate that is supposed to be designed for children, establishments were simply not prepared or able to deal with an abrupt, considerable increase in the overall number of children and young people in their care. The impacts of this increase will have then been compounded by the closure of Cookham Wood YOI as the boys held there were moved to other establishments. The harms are evident by the alarming decline in conditions laid out by successive reports by HM Inspectorate of Prisons.



The majority of these kids are locked up for long periods of time, whether it’s regime that limits them coming out because there aren’t enough operational staff, or whether it’s because there is not enough resource in conflict resolution or case management... How useful is it for children to have a problem and be locked away from it? Not just how that impacts you in terms of mental health because you’re in your room, you’re anxious, you’re thinking about it, you’re worrying about it, you’re completely out of control, and then the door opens and you might be even more out of control. But also how it doesn’t mirror life; it doesn’t give them any learning; it doesn’t support and empower them to transfer any processes into their daily life. Which basically means that when they’re released, they don’t have the skills or the capacity to manage relationships, to manage problems, to manage emotions.”

CEO, Voluntary organisation working in custody

Young adults in the children's secure estate: risks now and for the future

18 year olds transitioning into the adult custodial estate face significant challenges, and remaining in the children's secure estate in certain cases is important for their wellbeing. However, the policy decision to keep 18 year olds in the children's estate by default was purely based on capacity failures in the adult estate, not the best interests of young people. This has had significant implications for the children's secure estate, the children and young adults held there, and those that support them.



This policy has been done for all the wrong reasons, and it's been executed poorly."

Consultant solicitor





Impacts on children

Children in custody during this time have experienced the brutal reality of disrupted, strained establishments: less time out of cell, less support, more threats to emotional wellbeing.



We struggle with staff ratios in the youth estate, and the complexities of having 18 year olds in the system means time is taken away from delivering trauma-informed care. So, would it be better if there were fewer people there, with 18 year olds able to transition safely into the adult state? Yes – it would free up staff to focus on the children.”

YOI healthcare practitioner

As examined in the previous section, conditions in custody since the temporary transition policy’s implementation have declined and been extremely harmful to children. Experts spoken to as part of this research were seriously concerned about children’s recent experiences in custody, particularly how limited resourcing and reduced staff capacity impacts children’s access to services, mental health, and rehabilitation.

While experts felt strongly that young adults in prison deserve more care and support than they currently receive, they regretfully set out that the resource in youth custody is meant to be for children, and that needs to be protected. They raised concerns that keeping more young adults in youth custody, without due consideration and preparation, has simply meant less has been available for children: **if the young adults weren’t there, already strained services and staff wouldn’t be spread even thinner, meaning children would be able to receive better care.**



Every resource that is going on 18 year olds, adults, is therefore not going on the children. YOIs are significantly understaffed, massively under-resourced, they don’t have the education budget that they ought to have, the youth work budget has been cut. Every single time they try and recruit officers, they lose more officers. They’ve got conflict resolution teams down to one individual. They’ve got case workers that they never see. If we didn’t have the 18 year olds in the YOIs with the children, the children would get more resources, more conflict resolution, more youth work, more case work meetings. Money that the Youth Custody Service is supposed to be spending on under 18s is now going on over 18s.”

CEO, Voluntary organisation working in custody

Children and young people in YOIs spoken to as part of this research had felt the impact of an increased population, stating life on their units had gotten worse. One reported their unit had increased from holding around 15 to 25, for example, and young people raised how this made it harder to have time out of their cells, and to avoid conflict.



Everything was running smooth until they chucked like 7, 8 more on the unit. Now we can't move about, pretty much locked up all day."

It's fucked up the whole unit, we're on lockdown."

If there's too many people on unit, you can't avoid them. That's when fights happen."

Young people

Young people reflected a lot on the lack of time out of cell and how this had decreased, although in one YOI children said they were out more than they expected.



It's got worse since last year."

The lockdowns here are crazy."

We basically just come out for education, that's it."

They never let me out for education, the only time I left my cell was for 30 minutes of exercise."

Young people



They described their experiences in custody as making them depressed, stressed out, anxious, angry, and isolated. They spoke about how being stuck in their cell affected their wellbeing.



Bang up makes your mental health worse.”

On Res, you come out your cell once a day for like 45 minutes for exercise. That’s not rehabilitation.”

Young people

Experts were particularly concerned about children being harmed by violence and disorder. Young people had mixed views, some feeling violence had got worse, others feeling it is just an ingrained part of daily life. Although one practitioner working in custody noted the clear physical advantage an 18 year old has over a 15 year old and the tension this could create, experts stressed that they were not claiming over 18s were disproportionately carrying out violence. They stated that regardless of which age groups were involved, **if the policy had not been implemented and establishments were holding fewer children and young people overall, they would have been better able to manage conflict and reduce harm. Staff would have more capacity, children and young people would have more time engaged in positive activity, making incidents of protest and disorder less likely.**



With more violence, and education groups being more full, there’s more risk of young people bumping into each other. There’s less empty cells so it’s harder to move young people apart. There’s more Keep Aparts.”

YOI youth worker

Recent inspection reports have stressed how complex Keep Apart arrangements mean children are spending more time in their cells and less time accessing education.⁵⁵ Significantly increasing the custody population will only have exacerbated struggles, and young people felt this impact. Experts commented that Keep Aparts are harder to manage in the children’s estate compared to adult prisons, where larger establishments provide more leeway.



There are so many small groups and Keep Aparts. It makes life here more restricted.”

Young person

Young people were particularly frustrated that even if education and activities that they are entitled to and are keen to engage in are available, they frequently can't access them because there is not enough staff to handle the population. They spoke about how cancellations had got worse, affecting their regime. Experts concurred that staff illness, injuries, and resignations meant more and more workshops and education sessions were being cancelled. They similarly highlighted children finding it harder to access programmes or visits because the population increased, and because inexperienced staff lacked confidence in managing larger groups, scared to unlock them. Concerns were raised about this lack of access to education limiting their progression and impacting future opportunities. Experts highlighted that while the regime in a children's YOI may be better in theory than adult prisons, they can only benefit from an improved regime if they are actually able to access it.

Experts also set out how **trying to meet the different needs of over 18s and younger children at the same time was difficult** and could change what is made available to children, making provision less child-centred.



It reduces availability of visit slots, the high demand weekend slots, and places on family days, integral to keeping families together. It also changes the dynamic a little bit in terms of what's offered, because we're not just looking at a child focused visit anymore, we're trying to cater for a broader age group."

Manager, Voluntary organisation working in custody



With a bigger spread of 15-18, it's difficult. As a professional you'd want to treat them differently: take a different approach to someone who's nearly 19 compared to 15."

YOI youth worker

Young people in YOIs had mixed views on the impact holding younger children together with more over 18s had. Some didn't care, stressed there wasn't much difference between them, or felt the over 18s were a calming influence. On the other hand some children felt it was important they were treated as children, differently to over 18s, and were worried about the over 18s potentially harming or coercing younger children.





I [16yo] want to be with them [gestures at 18yos]. They're more sensible.”

Younger people look up to some of the older ones and act more mature.”

We're not meant to be in prison with adults, it's scary.”

Shouldn't mix under and over 18's – it's not fair.”

A 15 year old is young. An 18 year old can influence them.”

Depends what they're [over 18s] in for.”

Young people

Ultimately, children and young adults have different legal rights and entitlements. Experts were concerned that the increase in those aged 18 or over in the children's estate has blurred boundaries around children's rights, and risked creating a complacency towards fulfilling children's legal entitlements, which were already frequently not met in custody.⁵⁶ Experts highlighted the underlying safeguarding principle that children should be housed separately to adults and questioned whether establishments and the government were able to fulfil their statutory safeguarding responsibilities.



Children and young adults being held in the same institutions have rather different legal rights and entitlements...that seems quite unfair towards the staff, the children and the young adults involved.”

Senior lecturer



We should be treated differently [to over 18s]: as a child.”

Young person



There is a fundamental safeguarding issue with placing adults and children together in the same establishment – living and sleeping together side by side. It calls into question the extent to which the Ministry of Justice takes its safeguarding responsibilities seriously.”

Lecturer, ex-Probation and YJS practitioner

The UNCRC is clear that the best interests of the child must be a top priority in all decisions affecting children. Changing the transition date due to adult prison capacity issues contravened this principle, with the youth justice minister himself concluding that in order for the youth estate to be able to “focus on the specific needs and vulnerabilities that children present”, the number of 18 year olds in youth custody should be reduced.⁵⁷



Impacts on young adults

Young adults now kept in the children's estate have been caught in a limbo, stalling progress and facing uncertainty about upcoming transition.

Young adults in custody have some of the most complex and challenging needs of those in prison,⁵⁸ and research shows young adults are typically more psychologically and socially similar to children than to older adults,⁵⁹ and have high potential for desistance.⁶⁰ Accordingly, experts highlighted how keeping young adults down in the children's estate, which aims to take a more welfare-based approach than adult prisons, would at first glance seem positive for young adults. Young people do not overnight become fully mature adults at 18.⁶¹ This may be particularly the case for those in custody, as experiences within the youth justice system can 'stall' the natural maturation process.⁶² **Young adults may therefore benefit from continued access to more child-focussed services and support**, that takes into consideration their developmental needs rather than being determined by an arbitrary age.



One of the benefits of 18 year olds being in the children's estate is all the relevant people are still in the room, the YOTs, local authority, are still actively engaged. One of the problems of the transition is everybody's no longer in the room."

Consultant solicitor



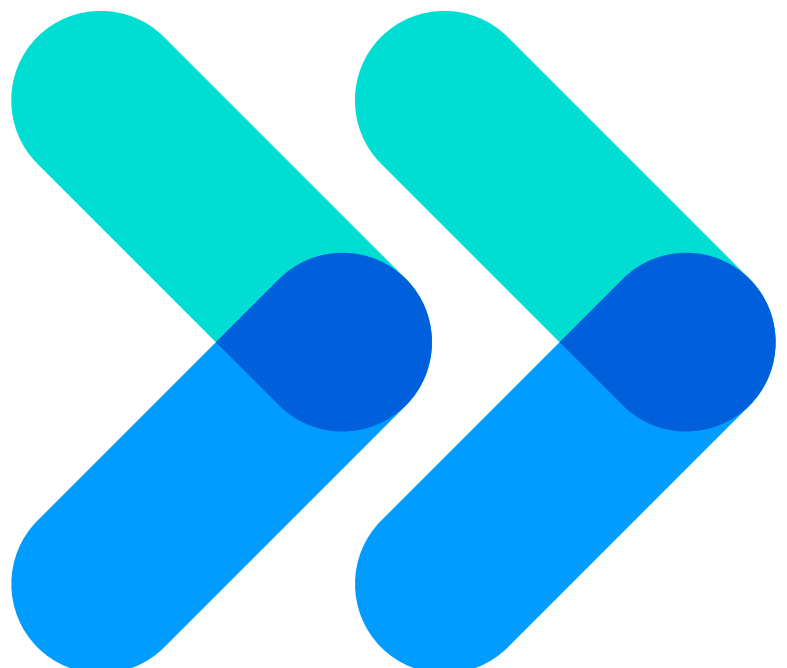
HMI Prisons' latest annual report shows adult prisons are increasingly volatile and failing to prepare prisoners for returning to the community.⁶³ Experts highlighted how difficult young people can find the transition to adult prison, and significant concerns around the lack of time out of cell, support, purposeful activity, and distinct young adult provision in adult prisons. They raised particular challenges that young people might encounter in the adult estate, that young people kept in the children's estate would avoid. For example, young adults in the adult estate being terrified of coming across people they previously would have been kept apart from, and young adults on restricted status having "absolutely horrific" experiences once they transfer to adult custody. They also highlighted young adults potentially facing more, or continued racism in the adult estate – although children spoken to for this research shared common experiences of racism in YOIs.



There seems to be more racism towards young adults in the adult estate than in the children's estate. Maybe partly because there's so much disproportionality in the children's estate, and then in the adult estate they're often in more rural areas. I had a horrible conversation with a young adult who was really struggling to manage constant low-level racism, and he had no one to turn to, and I found myself saying to him to let me know if it became "unmanageable" – nobody should have to manage racism."

Consultant solicitor

However, experts' concerns around the impact of the temporary arrangement on young adults in youth custody outweighed these benefits. While they were clear it often makes sense for a young adult close to the end of their custodial sentence to be kept down and not face the disruption of the transition, experts reported many of the over 18s are on long sentences and will face the transition at 19 anyway.



Lack of things for young adults to do

Experts and young people alike were concerned about the lack of education and constructive activities available for over 18s to engage in in the youth estate. Young adults in YOIs can't work like they can in adult establishments, they may well have finished or grown out of the education offer, and while there are still some vocational or online courses available, provision is patchy. **Young adults held in youth custody generally reported there was no difference in the activities or education available to them before and after they turned 18, and felt that was a waste of their time.**



They have already done most of the children's education; they don't want to repeat it, so they do end up in that limbo land."

Assistant Director, advocacy services



If you've done your GCSE's, there's nothing to do."

Young person

Experts felt YOIs were grasping around for anything useful to do with the over 18s. There were examples provided of YOIs seeking out providers in adult prisons to see if they could support over 18s in YOIs, and of YOIs adapting Release on Temporary License (ROTL) to ensure over 18s could benefit.



From an education point of view there isn't very much for them to do once they turn 18...We've increasingly been contacted by YOIs asking if over 18s can access our [adult prison] courses...it seems like YOIs are casting around for positive activity, something constructive for them to do...particularly things they'll be able to continue in the adult estate, as they are going to have to move at some point."

CEO, Voluntary organisation working in custody



We've got young adults on ROTL...Once they've got level 2 English and Maths they don't really need to access the education, so we're looking at more vocational and work placements around the establishment: working in kitchens, waste management, that kind of thing. More of a job role than an education package...We're trying to create ROTL opportunities aimed at 18 year olds."

YOI practitioner

Experts were concerned about interventions already available in YOIs not being suitable for an older age range, or if new interventions were being brought in, YOIs not having the right support in place to help young adults engage.



Some of the parenting and relationship interventions that we deliver, the courses and programs are more designed for 15-16 year olds, they're not quite suitable anymore once you hit 18-19."

Manager, Voluntary organisation working in custody



It's not an area of the estate we normally work in and it's not a cohort that we normally work with, so there won't necessarily be the support infrastructures in place for people who do want to do our courses... coordinators, peer mentors etc."

CEO, Voluntary organisation working in custody

A lack of clarity about how long a young adult will be held in the children's estate was reportedly exacerbating issues, interfering with access to interventions and inhibiting young adults' motivation to engage when they didn't know when they would transition or if they would be able to pick things back up in the adult estate.



It's a bit of a waste of the 18 year olds' time because they can't really get stuck into any youth estate intervention; they can't do any kind of offending behaviour programs, because it's always the uncertainty of when are they going to go."

YOI healthcare practitioner



Children very much feel that the transition planning isn't forethought enough for them to understand how long they'll be there as an adult, so how much work can they do."

Assistant Director, advocacy services

Some young adults in YOIs said they were keen to move on to adult prisons because they felt there would be a lot more for them to do, so they could "get on" with their sentence. They felt there would be more access to training, workshops, courses, and opportunities to work.



They want to move on, up to the adult estate. Some of that is about the opportunities for training and education they'll get...There seems to be that sense that they've outgrown the youth estate in a number of different ways."

CEO, Voluntary organisation working in custody



I want to go straight away. I've heard there's more things you can have access to."

Young person

Not being treated appropriately for their age

Young adults held in the children's secure estate generally felt they were not treated any differently to the children held there. Some understood why this was the case, but others found it frustrating. They felt they were treated like children, had outgrown the YOI, were sick of being subjected to arbitrary rules, and felt their personal growth and readiness to act maturely was not being recognised by staff.



They don't care how old you are."

I'm treated the same since I turned 18."

Turning 18 has had no change to my time at [YOI]. I am treated exactly the same, but I wish we weren't."

Say you've got a problem with someone. If you want to be mature and sort things out, they [the staff] won't trust you to."

There's no freedom, no trust here, they treat you like a baby."

Young people

At the same time, some children were frustrated that they felt the over 18s were treated differently: with more respect from staff, and access to more activities.



Staff talk to them differently. They get jobs, more workshops. It should be like that for younger ones."

Young person

Young adults reported they felt ready to move on from the YOI, into adult prisons (HMP), because **they were keen to be away from children who acted immaturely and caused fights for no reason, which they felt they had matured out of.** Some young adults who had transitioned into the adult estate confirmed it did feel calmer than youth custody. They felt that their fellow prisoners were more focussed on getting on with their sentences which reduced disruptive behaviour.





They're young, they kick off...They get racking for the fun of it cos there's nothing better to do."

In YOI you get banged on for the sake of it. In HMP people are keeping their heads down, getting on with it."

[In HMP] people will be more chilled out."

think I would have done better moving here [HMP] quicker, I feel more mature and relaxed here."

Young people



Young adults in the children's estate say to us they want to transition because they want to be, in their words, away from the nonsense of the younger ones. As they start to mature then their behaviour and their regulation hopefully increases, so they actually want to be with adults and not children...They can see they have matured and want to move forward."

Assistant Director, advocacy services

Young adults wanted to be treated more like adults and have more freedom, and felt in adult prison this would be the case.



[In HMP] you'll be more free to do what you want."

In HMP you get treated like a human being, not like a child."

Young people

Unintended consequences of violence

A huge risk raised by both experts and young people is the implications for over 18s caught in altercations with under 18s. Although from their perspective they are fighting a peer, for the child involved there are clear safeguarding concerns, and for the young adult involved they are legally liable to be charged as an adult for assault on a minor: a serious crime with potentially severe consequences. Experts reported 18 year olds being "othered" by custody staff treating over 18s as risks posed to children.



If you're an adult and you unfortunately get into a scuffle in custody, you are then actually committing that crime onto a child. Their outcomes, adjudications can be different because it's adult-on-child rather than child-to-child."

Assistant Director, advocacy services

Staff not equipped to meet their needs

Experts highlighted that **professionals skilled at working with children in youth custody do not necessarily have the right knowledge and skillset to meet the different needs and requirements of over 18s**. For example, they were concerned about how Local Authority Designated Officers (LADO) were handling safeguarding concerns where these are raised around an over 18 rather than a child. Particular concerns were raised around youth custody establishments and Youth Justice Services (YJS, also known as Youth Offending Teams (YOT)) resettling those leaving custody as adults. For example, professionals may not be used to working with care leaver adults rather than care experienced children, so may not know how to advocate for the support they should receive.



Resettlement teams are not skilled in relation to transitioning adults. They know how to do children in care but now they're going to be care leavers...YOT vs Probation there are very different needs...benefits, housing, health differences like prescriptions: all those sorts of things on release are very different when you're being released as an adult rather than as a child."

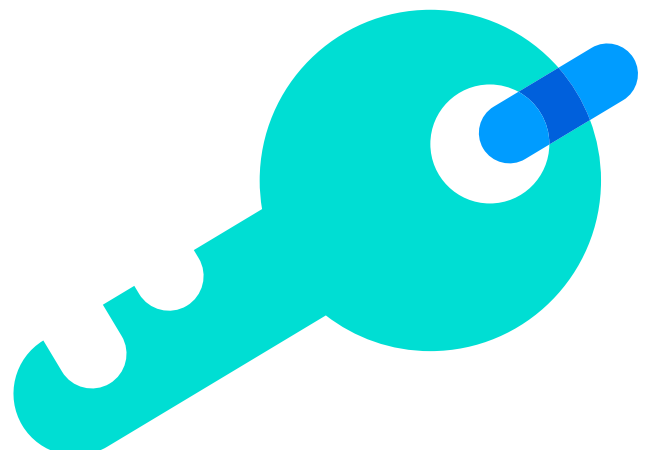
Assistant Director, advocacy services

Where young adults in youth custody transitioned from YJS to Probation, concerns were raised around youth establishments' understanding of probation arrangements, and ability to support preparation for release.



Over 18 establishments have probation officers who work directly in the prisons as offender managers who case manage the residents – preparing them for release, undertaking their OASys risk assessments. Have YOIs been given this same resource? If not this could seriously hamper progression in custody and resettlement plans to reintegrate young people into the community."

Senior lecturer, ex-Probation and YJS practitioner





Impacts on workers

Statutory and voluntary workers in the youth justice system have had to adapt, learn, and go over and above to meet children and young people's needs.



Because it was set up to deal with overcrowding in the adult estate, it solved some of their problem and just presented everyone else with a whole new set of challenges.”

YJS Practitioner

Youth custody workers and youth justice practitioners in the community had to adjust quickly to a policy imposed on them suddenly, without due notice. Experts set out how this put increased pressure on staff to respond to a growing and changing demographic. One example provided was the draw placed on staff capacity by the need to determine safe placements for over 18s within establishments. It also created a great deal of uncertainty, for example around if and how YJS should continue to support 18 year olds that previously would have transitioned to adult custody and probation, with managers seeking guidance reportedly being bounced between government departments for answers. Experts highlighted youth staff having to upskill themselves around processes usually handled by the adult system.



Because it's new, the processes aren't in place. And because the numbers are small, policies aren't getting written. Everyone's responding to a one off. It's a challenge – the not knowing.”

YJS Practitioner

Experts were clear that the impact of the change would have been far graver if it had not been for the dedication of statutory staff and of service providers willing to go above and beyond to support children and young people. This is not a sustainable position in the medium-to-long-term, particularly when services are already stretched and staff are already at risk of burnout.



There's a huge amount of goodwill, being exploited really. Services that aren't funded to deal with post-18-year-olds are continuing to deal with them because they really don't want to let them fall between the gap.”

YJS Practitioner



A slippery slope

The recent significant increase in over 18s in youth custody begs the question: when does youth custody cease to be a separate entity to the adult justice system? And as that distinction is lost, what system are we headed towards?

Experts raised long-standing concerns about the children's estate failing to treat children as children, and with the interim transition policy meaning young adults were making up around a third of the YOI population, there were grave concerns that any progress that has been made would be lost: that child-centred protections would be watered down, and risks around staff adultifying children would increase.

Experts highlighted how leadership and governance arrangements undermine efforts to take a Child First approach. They have long warned that **all the while the Youth Custody Service (YCS) sits within HM Prison and Probation Service (HMPPS), the children's estate is liable to being treated as an add-on and afterthought to the adult system, rather than a distinct child-focussed estate.**⁶⁴ The decision to keep over 18s in the children's estate because of capacity issues in adult prisons is a prime example of this concern being realised.



The YCS is governed by HMPPS and the prison rules...They're bullied away, it's everything that underpins the adultification, about Child First not really happening. It's just Security First."

CEO, Voluntary organisation working in custody

Experts stressed the risk that this policy decision is **the start of a slippery slope towards an erosion of the hard-fought-for separation between youth and adult justice.** They were concerned that as the youth estate lost its distinction from adult prisons, children would increasingly be treated no differently to adults; that punitive policies such as the rollout of PAVA spray would be introduced; and that plans for the future estate would tend towards closer links between youth and adult prisons, rather than creating child-focussed welfare-based establishments.



The separation that we currently have between youth and adult prison isn't anywhere near enough. My concern is they'll say: 'it's just 18 year olds', and then '18 year olds can be on a separate wing', and then 'we'll just make it 19 year olds as well, on a separate wing'... and then suddenly we've got a situation where 'oh we'll just make it a HMP and YOI so we can have boys over here and adults over there'. I think we're on a really slippery slope to accepting that model of a children's unit within an adult establishment and I think that's an absolutely appalling way forward."

CEO, Voluntary organisation working in custody



The opportunity cost

With a record low number of children in custody, this raises the question of what positive change could have been achieved for children during this time, had the policy not been put in place?

Much of the focus around the change in transition date has been the immediate risks to children and young people. However, the true impact of the policy is not just the potential harms, but also the potential improvements that have been forgone. Across 2023 and 2024, if the presumed transition date had stayed at 18 years old, the children's secure estate would have had ample spare capacity. Experts highlighted that rather than staff fighting fires and struggling to keep their head above water, establishments could have made the most of having fewer children in their care. They could have focussed on making children safer, keeping children out of their cells and engaged in education and purposeful activity, trained up staff and embedded a more positive culture and focus on true rehabilitation and constructive resettlement.

With record low numbers, there would have been plenty of headroom for leaders to think creatively about improving conditions in custody for children and smoothing transitions from youth to adult custody for young people. They could have been more ambitious about ROTL, and removing girls from YOIs. The YCS could have used the time and space to focus on removing children from the most harmful and prison-like establishments – YOIs – and work towards a future estate of Secure Children's Homes and Secure Schools.



It's a missed opportunity. Because numbers are so low, children could have been receiving a really enhanced service, they could have had access to more facilities, more education. That's not been available."

YJS practitioner



We're continuing to hold children in YOIs which are the least supported, lowest costed, the least staff ... the most prison-like setting... whereas actually if there was a decrease, was there a potential to hold them in provision which in theory should have had greater support?"

Senior lecturer



What should custody look like for children?

According to experts and young people, the secure estate for children should be:



1. A last resort

Children should only be sent to custody when it is a genuine last resort, and for the shortest possible time.



**All under 18s should not be in prison: give them community service.”
Everybody deserves a second chance.”**

Young people



2. Child First

Treat children like children and take into consideration their needs, circumstances and views. Provide a safe, compassionate space where children are supported to reflect, build healthy relationships and develop pro-social identities: emphasising growth and rehabilitation over punishment.



Space for children to be children.”

Young person



3. Small and local

Local units close to home, that are small and as much like a ‘home’ as possible. Links with the community are strong and children have many opportunities to safely enter the community and interact with their local support network and services.



Smaller so everyone could mix.”

There should be 15 max in a unit.”

Want to be close to home.”

All prisons for under 18s should be open prison.”

Young people



4. Fair and equal

Ensure equitable treatment of children in custody, including by tackling racism, and by creating fewer different types of establishments, so children do not arbitrarily receive different levels of care.



The prison estate is so divided: you've got Secure Children's Homes, the Secure Training Centre, YOIs and now a Secure School...the individual child gets lost."

Senior lecturer



I [white boy] got 7 adjudications before being kicked off [enhanced unit], they [Black boy] had one fight and got thrown off. It shouldn't be like that."

Young person



5. Family-oriented

Prioritise family engagement and visits, involving family and carers in supporting the child and sentence and resettlement planning.



More family visits."

Young person



6. Therapeutic and caring

Trauma-informed therapeutic environments with support on offer 24/7 to address children's complex mental health needs: embedding SECURE STAIRS integrated care framework in practice and culture.⁶⁵ A range of support and culturally competent services available to address the diverse needs of children, including speech and language therapy, support for housing and employment, and safeguarding from child criminal exploitation.



Use the experience to respond to trauma, not to create another trauma for them."

CEO, Voluntary organisation working in custody



7. Staffed by youth workers

Staff are trained in youth work, trauma and de-escalation. They advocate for, seek to understand and respect each child. Staff are relatable, passionate, and have flexibility to provide individualised support and foster trusted relationships.



People who actually care about helping you with what you need, rather than being told what you need to do.”

Young person



8. Ambitious about education

An education offer equivalent to that in the community, with more variety and opportunities for progression in both traditional and vocational education. Access to education is prioritised and children are supported to be able to engage.



We should do ‘real’ GCSEs, less basic education. A levels. More courses.”

Young person



9. Active and rewarding

Children are engaged in meaningful activities, including opportunities for work experience. They have free time unlocked, opportunities to be creative, and time outside, in green space, to play and take part in a variety of physical activity. Children choose treats to incentivise good behaviour.



More sports time, more workshops, more activities.”

Work opportunities, like in HMP.”

Give young people something to work towards. Take out nights, youth clubs.”

Young people



10. Responsive to maturity

Recognise developmental differences and that as children grow up and approach 18 they may feel more mature, ready to be challenged, and focussed on the future. Provide advice and opportunities for them to demonstrate growth and take on more responsibility.



What should custody look like for young adults?

Experts and young people set out key characteristics for custody for young adults that would better meet their needs, address the stark difference between youth and adult custody, and fill the gap in provision for young adults.

Many echo points above for youth custody, but with some important distinctions, drawing on robust evidence about young adults in the justice system.⁶⁶ They called for an approach like Child First but for custody for young adults, a.k.a. “Young Adult First”:



1. Similar principles to youth custody...

As with the ambition for children, custody should be avoided, and when young adults are in custody they need to be treated according to their circumstances, needs and age – considering functionality and capacity rather than just chronological age.

- A developmentally-informed strengths-based approach, focussed on building a pro-social identity, collaboration, and working towards a life outside of the criminal justice system.
- A therapeutic, trauma-informed and caring environment, with support and services for mental and emotional health. An individualised approach to meeting needs.
- Support that is culturally competent and challenges racism and discrimination, including working with community-based partners able to provide this.
- Treatment that feels fair and just. Space to make mistakes with consequences that are not overly harsh, allowing for second chances.
- Staff trained in youth work, conflict resolution, and trauma, who have expertise and passion in working with young adults. Professionals that are relatable, reliable, role models.
- Family contact is prioritised, and facilitated by placements close to home.
- Meaningful activities and incentives are available. Education is high quality, varied, and accessible, with vocational courses and opportunities for training and development. Young adults of different abilities are supported to engage.



Young adults should be in something similar to YOIs, ran by youth workers, with access to all professionals.”

CEO, Voluntary organisation working in custody



2. ...But with support for becoming an adult

Taking into consideration that young adults are at a different life stage than children, young adults in custody need recognition of this distinct status, with support tailored around becoming an adult.

- An approach focussed on opportunity, hope and aspiration for the future. Peer mentoring to support young adults to work on their identity and developing into the person they want to be.
- Age-appropriate opportunities to be provided more autonomy.
- Family engagement recognises a potentially changing role within the family and new responsibilities as an adult, as well as support for young adults who are parents.
- Education includes a focus on vocational work and practical skills young adults need: financial literacy and budgeting, employment and professional competencies.
- Work experience and training opportunities to provide transferable skills for the community. Young adults receive support and advice around leaving custody and getting employment.



We want people to be able to develop pro-social lives and independence and autonomy for themselves.”

Consultant solicitor



The make-up of the young adult estate

Experts and young people have mixed views on the best form of estate for young adults. Some feel young adults should all be held in young adult-only YOIs, where provision is properly designed with young adults in mind. Yet concerns were raised around these establishments being more violent than general adult prisons, and needing a lot of sites in order to manage Keep Aparts and ensure young adults are close to home.



It should be 18-21 or 25 is it's own thing... Then go to adult prison, because then you're a man."

Young person

Some feel young adults should mix with older adults, as they can be more mature and a good influence. Yet concerns were also raised about young adults being victimised, groomed and negatively led by older adults.



I don't mind mixing with older people, it helped me mature quicker and I feel really good now."

Young person



With young adults mixing with older adults an issue is that they can be prayed upon, groomed, on the other hand some young people prefer being with older adults and find them to be a calming influence... it isn't very straightforward."

Senior lecturer

Young people suggested a wing or separate unit on the site of children's YOIs to hold young people who have turned 18, or similarly a young adult unit on adult prison sites.



Young adults should have their own place, let them mix with their own age group or have a wing for people over 18. Because sometimes we're not ready to move to man jail."

Young person



When should young people transition?

There is no one size fits all approach to when it is in children and young people's best interests for the transition from youth to adult custody to take place, however experts and young people agree on key considerations:



1. Every decision about whether to transition a young person must be made on a case by case basis

It is absolutely critical that an individualised, needs-based approach is taken to when a young person transitions from youth to adult custody. Yet experts raised concern that decisions are not being made on a case by case basis, and in reality it can appear random who transitions and who does not.



A case by case plan for transition for each young person based on their needs, with a plan about what everyone else ought to be doing in order to meet those needs going forward. The transitions policy kind of talks about it being a case by case individual plan but I'm not personally seeing that happen really."

Consultant solicitor

While experts agreed the policy change to transition at 19 had not been a success, and the default age should return to 18, they emphasised the need for flexibility and in-depth consideration, so that young people can stay in the children's estate beyond 18 when it is safe and in their best interests to do so.



We've had some really good examples over the years of young adults who have remained in the children's estate until they were much older while they were going through the parole process or because of resettlement etc. Anything too prescriptive prevents that kind of individualized approach. If you're doing it properly, actually looking at what the young adult needs, then it shouldn't be black and white that you can no longer be a young adult in children's estate if you are X-age."

Solicitor



2. Whether or not a young person wants to transition is very important, but young people need an accurate understanding of what life is actually like in adult prisons.

Some who are turning 18 don't want to move, for example because they have become comfortable with their surroundings, they have friends, support and relationships with professionals, they are remanded or don't have long left on their sentence.



I am over 18 and I am not ready to move yet, I feel more comfortable around my friends now and am a little anxious about mixing with men.”

Vulnerable young people should stay in YOI.”

Young people

Many young people say they are ready to move on at 18. They may be sick of the YOI, or want to leave the “childish behaviour” in the children's estate, and be treated like an adult. Moving will be a milestone, they may be closer to home, and many will have to transition at some point anyway so want to just “get on” with their sentence.



If you want to, you should be able to move at 18.”

I'm fuming I'm still here, I've asked to be shipped up.”

Too many children here, I feel ready to be with elders.”

I want to go up. I will have to go anyway, I want to settle in.”

Young people



The most common reason young people gave for wanting to move to adult prison was a perception that there is far more freedom in the adult estate, and much more to do. Examples included working, training, courses, vaping, clothes and food. They felt there would be more time out of cell, more free time, mixing and free-flow movement.



I would want to go because there is so much more to do.”

You get to work.”

More freedom. There’s open doors, you can do what you want.”

Young people

Experts wanted children’s voices to be heard in transition decisions, but were concerned that young people are unprepared for the reality of adult prisons, and gave examples of young people regretting the move upon realising the lack of support.



They’re not adequately prepared for what it’s like. We’ve had boys leave, go on the wing, get assaulted. We’ve got boys in the adult prison that would gladly come back here.”

YOI youth worker



Realised I’m just a number.”

It’s better than expected in some ways, like the privileges you get smoking vapes and being treated better by staff, but it makes you realise what you take for granted within the YOIs.”

Young people

Young people who had gone through the transition and experts called for more preparation for children in custody around what life will be like and what will be available in adult prison.



There is some more work to do on what will realistically be accessible to young adults in the adult estate, given the state that it’s in.”

CEO, Voluntary organisation working in custody



Having people come in from adults to speak to them about how it’s not as good as they think.”

Young person



3. Whatever the decision about when a move should happen, young people moving into the adult estate need more support before and after to smooth the transition

Experts and young people called for more support for children and young people before transition, setting out expectations and providing more clarity on what would happen, when, and where they would be going. To be able to do this, transitions need to be well planned in advance and follow processes, which experts highlighted often does not happen.



There should be more one to one and group sessions about going to adults to stop anxieties.”

Young person



We’ve seen recently examples where the YCS just don’t follow their own policy anyway, so the policy now is that you don’t move until you’re approaching your 19th birthday but we’ve seen young adults the day before their 18th birthday being told ‘off you go’.... I’ve been advising a young adult recently who had been told they would be moved, but wasn’t given the three-month period, to prepare for moving.”

Solicitor

Young people need support moving from wider youth to adult support services, and to do so professionals in custody and the community need upskilling and guidance around how to work with young people turning 18.



We need guidance, a clear understanding of what the expectations are, so that people can best support them, for example care leavers, safeguarding of vulnerable adults.”

YJS practitioner

After transition, young people in the adult estate need distinct support to ease into their new establishment. Experts highlighted the need for better information sharing about young people’s needs as this is often lost between the youth and adult YJAF Assetplus and OASys needs and risks assessment systems. Experts and young people called for continuity of education to complete courses and qualifications, as well as continuity of support. For example having a consistent, trusted relationship such as a youth worker, and maintaining meetings with practitioners as young people get used to the transition.



There's no reason why you couldn't still have multidisciplinary meetings with your YOT worker doing a transitional handover. Where it is appropriate for young people to transition, why there can't be a gradual morphing of some of the features of the children's estate that can continue and at least reduce over time once people are settled... At least in the initial months have monthly meetings which YOT can attend and maybe even parents can attend; there's no legal prohibition on that."

Consultant solicitor



Looking ahead for children in custody

Now more than ever a clear vision and plan for custody for children is needed, that describes the distinct character of the estate and defines its purpose and ambition, ensuring that future policy decisions are made with the best interests of children in mind.

The policy decision to change the transition age, leading to a dramatic increase in the number of over 18s in the children's estate, coupled with inspection report after inspection report findings that ring alarm bells about declining safety and standards, highlights the crucial need for a firm plan for youth custody. A lack of clear vision and strategic oversight from national leaders has led to drift and dysfunction and is failing and harming children. It has left the door wide open for the children's estate to be treated as an afterthought and as spillover capacity for full and failing adult prisons.

The government must put an end to this by setting out its stall on the purpose of youth custody, articulating the distinct identity of the children's estate and the checks in place to protect that identity. The forthcoming YCS Children and Young People Estate Strategy is an important tool for ensuring the children's estate makes progress toward treating children as children. It must include plans to achieve the ten step vision for youth custody set out above. Crucially, it must set out measures to counteract risks to the estate's child-centred ethos, including preventing the application of policies designed with adult needs in mind, to children.



If we want distinct language for children, if we want to stop the adultification of children, if we want to stop children being a part of a system that is created for adults, we need that distinction of under 18s and over 18s.”

CEO, Voluntary organisation working in custody

In order to properly embed the principle of youth custody as a separate entity and ensure the children's estate is never rocked by crises in adult prisons again, experts agree that the YCS must be removed from HMPPS. Ideally, to ensure the care of children in custody sits in a government department also responsible for the care of other vulnerable children, the YCS would be part of a newly created Department for Children.⁶⁷ However, under current departmental arrangements this would constitute a move to the Department for Education.

Finally, moving ahead, more attention should be paid to the changing wants and needs of older children and over 18s in youth custody. Considering what young people who have turned or are approaching 18 in the secure estate have said they look forward to in adult custody, the children's estate should look to provide additional age-appropriate education, training and opportunities that recognise a young person's growing maturity.



[In HMP] they have more things to do in the day that we should have as kids.”

More resources like adults have. More responsibility.”

Young people



Learning lessons for young adults in custody

Young adults in custody need a distinct approach. This is not achieved by simply expanding the children's system upwards to accommodate over 18s: a separate policy focus and investment in young adults is required.

The imposition on the children's estate of a policy designed entirely with the adult estate in mind has rocked establishments. However, there are important lessons that must be learned from this experience for young people transitioning to adulthood.

Young adults are typically more psychologically and socially similar to children than to older adults,⁶⁸ and examining the impact of the transition date policy change has shone a light on those similarities, as well as key differences. The government must implement an approach to young adults in custody that reflects this: as set out above, **this “Young Adult First” approach should include more resource, support and entitlements like in the children's estate, but with distinct provision that recognises young adults' different life stage and growing maturity.**



We need a real focus and investment in young adults. A distinct approach to young adults.”

Senior lecturer



It has got to be individualised... A principled, needs-led approach... We need to create some new statutory duties for young adults.”

Consultant solicitor

A “Young Adult First” approach to custody is not achieved by flooding the children's estate with over 18s. The effects of the change in transition date have proven this, and the lack of thought or preparation around the policy has highlighted that young adults in custody are an afterthought. Rather than relying on the children's estate as backup care for young adults, policymakers should consider what this policy change has shown about which ways of working in the children's estate could be drawn into young adult specific provision.



Lots of people working in youth justice would like to see the services you get in a YOI as opposed to adult estate being available to young adults... but the way this was imposed, very quickly, with everyone unsure what was happening, is not the answer.”

YJS practitioner

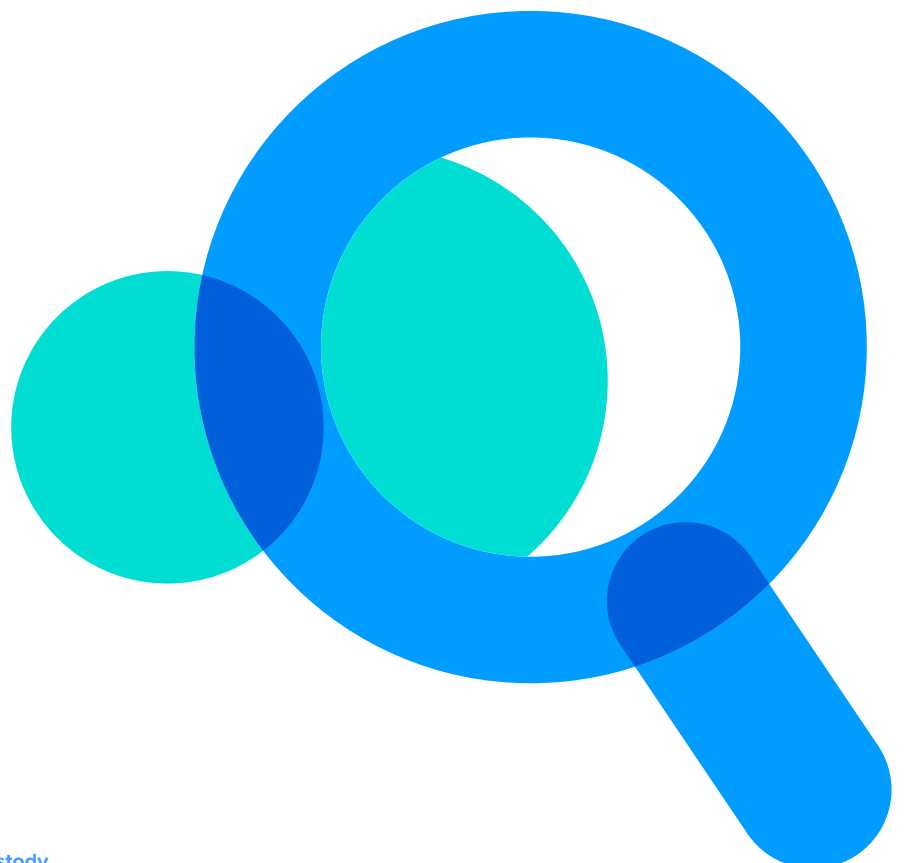
Available evidence on whether outcomes for young adults in England and Wales are better in distinct YOIs, mixed in general adult prison populations, or on separate units or wings, is inconclusive.⁶⁹ A closer look is needed, with lessons to be learnt from different approaches used and piloted domestically and abroad. The answer may well be a variety of provision but with individualised placement decisions made based on the needs of the young adult.



What we should be doing is thinking about: ‘Okay, what’s the best thing for that individual?’, rather than it being a case of ‘that’s what we do with all young adults’...there should be some distinction of support...with staff that are actually trained to work with young adults.”

Senior lecturer

What is abundantly clear is that **decisions on when and where to transition a young person from the youth to adult estate must be case by case, and whatever form of custody young people transitioning into adulthood are held in, enhanced and tailored support is needed.**



Conclusion

Young adults in custody are a sidelined group and their experiences and outcomes are deeply concerning. It is clear that reform is needed to ensure their needs are met, but what is even clearer is that expanding the children's system up to also accommodate young adults is not a viable or appropriate solution.

The decision to increase the presumed age a young person transitions from youth to adult custody, rapidly and dramatically increasing the number of over 18s held in the children's secure estate, destabilised youth custody establishments, deteriorated the care of children, and left young adults in limbo. The experience has shown that holding more young adults in the children's estate neither benefits children nor young adults. It puts undue pressure on already strained establishments and staff, impacting the support, education and time out of cell all children and young people have access to. For children, it puts provision at risk of becoming less child-centred, while for young adults, provision designed for children is not necessarily appropriate or supportive.

The children's secure estate could barely cope with those in its care in 2022, and it certainly has not coped since the policy was introduced. Bringing the policy to an end is overdue, but now policymakers must carefully consider the crucial insights this experience has laid bare. This must not be the start of a slippery slope towards the loss of the vital distinct character of the secure estate for children.

Both custody for children and custody for young adults are a far cry from the visions experts and young people set out in this report. For children, all efforts must be geared towards creating an estate that is genuinely child-centred. This policy change, made entirely with the needs of adult prisons in mind, has instead dragged the children's estate in the opposite direction. To ensure truly child-centred decision making and prevent the youth justice system being treated as an afterthought and overflow for a failing adult system, oversight and responsibility for youth justice in government must be moved. For young adults, the growing recognition that young adulthood is a distinct developmental stage with the need for specific provision in custody must be met by action.

Only by improving custody for young adults can the cliff edge between youth and adult custody be addressed. For some young people turning 18, such as those finishing up their sentence, remaining in the children's secure estate is critical for their wellbeing, and flexibility to do so when it is safe and beneficial must be promoted. For others, transition to the adult estate is inevitable and necessary to support their progression. For every young person, the transition decision must be individualised and needs-led, made on a case by case basis.





Recommendations



Remove the Youth Custody Service from HMPPS

Cabinet Office to create a truly child-centred government department that makes decisions for all children.⁷⁰ The Department for Education to become the Department for Children, led by a Secretary of State for Children, with an expanded role including the transfer of youth justice policy responsibilities from the Ministry of Justice, and the Youth Custody Service from HMPPS.

At a minimum, under current departmental arrangements, YCS must be removed from HMPPS to sit within the Department for Education.



Keep children and young adults out of custody

Recognising evidence on immaturity, the vulnerability and victimisation of children and young people in contact with the law, and the harms of imprisonment, the Ministry of Justice to take all reasonable steps to ensure sending a child or young person to custody is a last resort, for the shortest possible period of time.



Case by case, supportive transitions

Ministry of Justice to audit transitions to identify barriers to case by case decision-making that takes into consideration young people's wants and needs and ensures young people receive adequate information and forewarning about transition. Take action to embed necessary improvements.

YCS to provide workshops in youth custody with children approaching 18 to provide accurate information about what is and isn't available in adult prisons, what to expect, and how to have their views heard.

Ministry of Justice and HMPPS to produce guidance and training for youth custody practitioners and YJS workers on the different needs and legal entitlements of over 18s.

Ministry of Justice to review education and youth work provision in youth and adult custody to identify opportunities to improve consistency and continuity in relationships, courses, and qualifications that are started in the youth estate and could be continued in adult custody.

HMPPS to review processes around the transfer of information held on the needs and experiences of children in custody from youth to adult custodial establishments, to ensure information is requested, provided, and taken into account in the adult estate.



Ensure the distinct character of the children's secure estate

Upcoming YCS Children and Young People's Estate Strategy to include commitment to:

- Removing all children from YOIs and the last remaining STC, setting out a plan for increasing Secure Children's Homes capacity, which provide the most appropriate environment for children currently available.
- Restricting the use of the children's secure estate to under 18s only, other than on a case by case basis, to ensure a child-centred approach is upheld and prevent a reoccurrence of the estate being used as overflow for adult prisons.
- Preventing the application of policy designed for adults to the children's estate, ensuring all policy decisions are made specifically with the distinct needs and best interests of children paramount.
- Improving education and training provision for older children and over 18s held in the children's estate to allow for more, age-appropriate opportunities for learning.

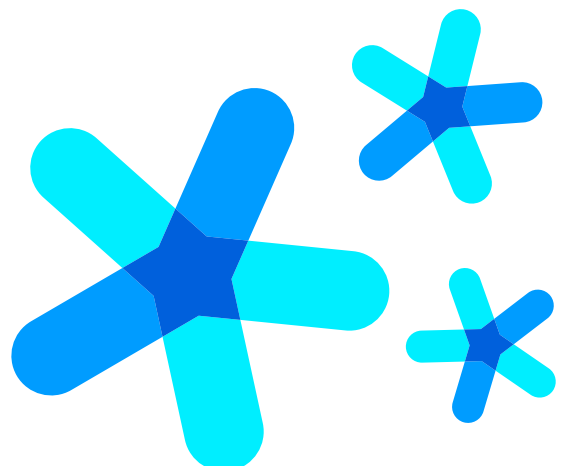


Develop a comprehensive plan for young adults in custody

HMPPS to consider the [wealth of evidence](#) developed and gathered by the Transition to Adulthood Alliance, and the lessons learned from the transitions temporary policy change, and put in place a plan to reform provision in custody for young adults such that it meets the distinct needs of young adults. This should more closely reflect the support and services that should be available to children, but with key differences reflecting young adults' entitlements, maturity, and capacities. This should include robust plans for implementation and embedding policies, to ensure where young adult focussed policies exist, they lead to positive impacts on the ground.

Ministry of Justice to conduct a review of different approaches and models for young adult custody, used and piloted, domestically and abroad. The evidence gathered to be used to determine whether distinct young adult establishments, units, wings, or generic adult provision best supports young adults, and accordingly develop a plan for the future young adult estate.

Independent Sentencing Review 2024-25 to identify reforms to custodial sentencing for young adults, to ensure sentencing better reflects young adults' maturity and needs and focuses on keeping them out of custody, similar to the approach applied to children.



Acknowledgements and further information

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For more information about the project or this briefing, or if you are interested in arranging a meeting, please contact AYJ Policy Manager, Millie Harris: millie.harris@ayj.org.uk

Further reading:

Reports:

- [Evidence Review: Young people in transition in the criminal justice system](#)
- [Bridging Gaps and Changing Tracks: Supporting racially minoritised young people in the transition to adulthood in the criminal justice system](#)

Blogs:

A series of blogs that accompany these reports, and other related news, can be found on the project page [here](#).

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