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Transitional Safeguarding in youth justice and probation services: A scoping study

Policy briefing

Background

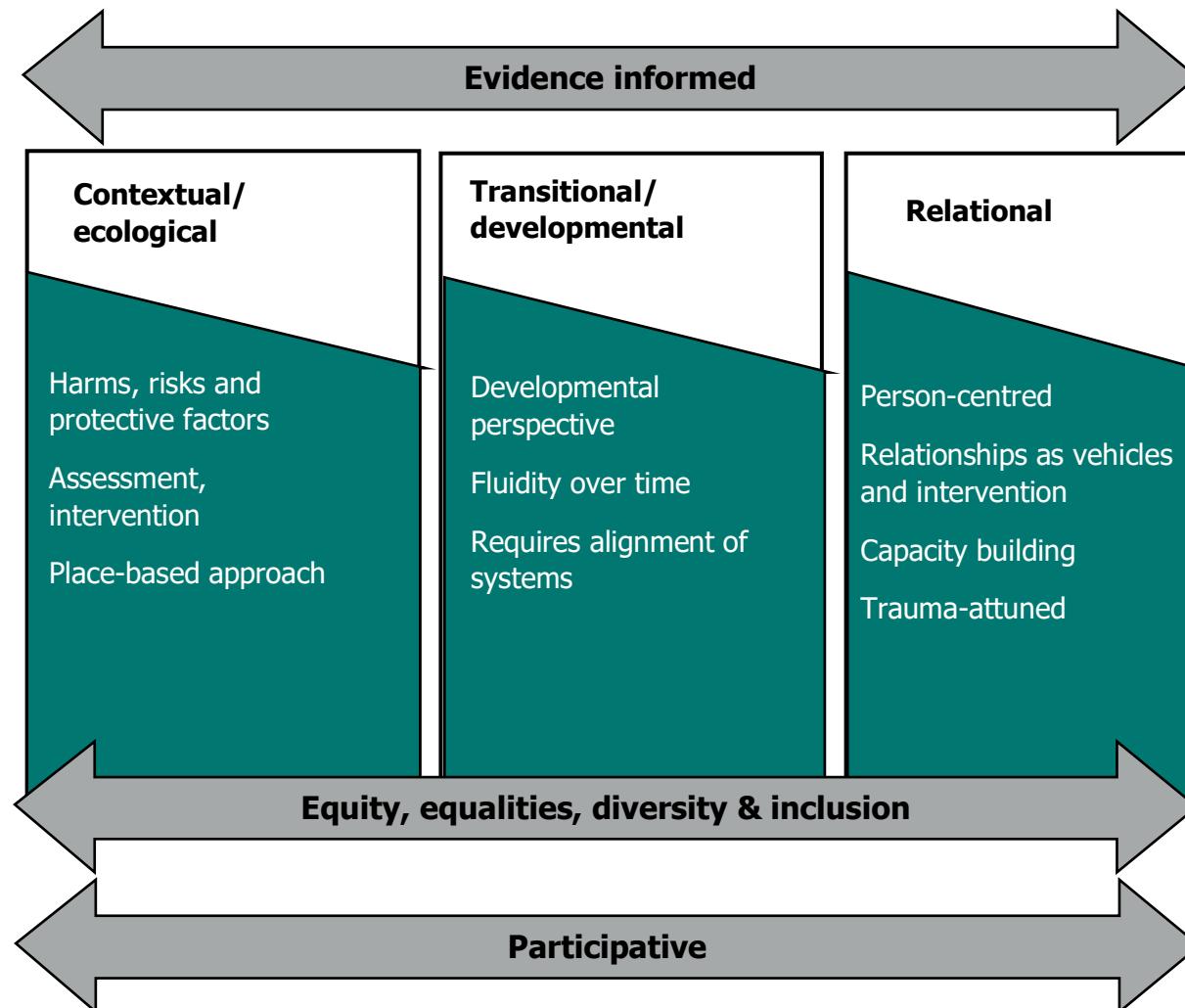
Transitional Safeguarding is defined as:

'An approach to safeguarding adolescents and young adults fluidly across developmental stages which builds on the best available evidence, learns from both children's and adult safeguarding practice, and which prepares young people for their adult lives'
(Holmes and Smale, 2018, p3).

To date, there has been no research explicitly exploring how Transitional Safeguarding is understood and applied within the youth justice and probation service context to support young people aged between mid-teens to mid-twenties. This [Academic Insights paper 2022/03](#) (Holmes and Smith 2022) provides suggestions on the potential application of Transitional Safeguarding within justice services. This study provides an overview of how youth justice and probation embed the six key principles of Transitional Safeguarding into service design. These principles are that any Transitional Safeguarding approach must be:

- evidence-informed
- contextual/ecological
- transitional/developmental
- relational
- attentive to equity, equalities, diversity, inclusion (EEDI)
- participative.

The six key principles (Cocker et al., 2024, p.55)



Approach

This research sought the views and experiences of professionals to investigate how youth justice and probation work together (and separately) to provide services to young people (aged mid-teens to mid-twenties) that encompass the six key principles of Transitional Safeguarding. We used a literature review, survey, secondary analysis of HMI Probation data, interviews and focus groups as methods in the research. The survey and secondary data analysis encompassed England, whilst the interviews and focus groups focused on five sites.

Outputs from the project include a full report and executive summary together with three briefings aimed at different groups of people working within the justice sector. This briefing is aimed at policy leads and it shares key findings from the project together with some considerations for policy, set out against each of the six principles of transitional safeguarding. Greater detail can be found in the [main research report on our website](#).

Key findings

There is impetus for a Transitional Safeguarding approach at practice and strategic levels. However, translation of this into direct practice has not been fully evidenced or is not happening. Leaders and practitioners in youth justice and probation recognised the need for transitional arrangements to change. The social policy framework exists, but the practice and system realities impact on how transitional support is offered to young people. Practice needs to be less reliant on rigid structures and offer more flexibility to work in a personalised way with young people.

Practitioners were reflective about the differences between probation and youth justice. They cited youth justice being 'overprotective' and some practitioners described the probation system as 'too harsh'. Some responses suggested that some young people lack boundaries and necessary life skills for transition into adulthood. In the survey, youth justice responses showed they were better able to meet the six principles than probation, particularly three (transitional), four (relational) and six (participation). There were several reasons for this, including a culture in probation where the balance between 'public protection' and 'rehabilitation' is often focused on the former because of resourcing.

Most young people subject to youth justice and probation service supervision are male. This raises issues for service development for young females as a minority group, particularly as they have a different offence profile. The differences in data for ethnicity between youth justice and probation requires further investigation in terms of the impact it may have on how services are developed for minoritised individuals. Neurodiversity and speech and language difficulties are cited as common themes related to EEDI, along with mental health difficulties, care experience, sex and gender, sexual orientation and race/ethnicity. Regional (e.g. Southern versus Northern English) and rural-urban differences affect available support infrastructures, particularly for lesbian, gay, bisexual, trans and queer (LGBTQ+) or Black and other Global Majority young people. There are also concerns about systemic adultification¹ affecting these young people in the youth and criminal justice systems.

Principle 1 – Evidence informed

This principle emphasises utilising research evidence, the knowledge and skills of practitioners, as well as information from the lived experience of people that draw on care and support from youth justice and probation services.

The analysis of policy and guidance documents indicated that both probation and youth justice services recognise the importance of being evidence-informed rather than evidence-based, with a range of sources used to describe expectations and frameworks of practice.

There were examples of learning from practice reviews, e.g. the secure estate policy framework for safeguarding and child protection; of using research, e.g. consideration of maturation and development in what works for young adults in the *Probation Service Management of Young Adults Policy Framework* and the HMI Prisons *Safeguarding and Protection of Children Policy* (revised in 2023); and of statistics and quantitative data used in HM Prison & Probation Service (HMPPS) *Child Safeguarding Policy Framework*.

Focus group participants indicated that tools for individual and group work might lack contextualisation for young people (e.g. considering that trauma and abuse in families may be a very recent experience involving young people as victims rather than perpetrators). Some probation practitioners felt that the focus of their work had shifted from evidence-based working to monitoring and administration. Probation leaders gave examples of commissioned research and reported using data from local tracker systems as well as thematic inspection reports for strategic planning purposes.

Policy considerations

- Consider how policies and guidance could foreground the need for evidence-informed approaches across all levels of the youth justice and probation systems to emphasise its importance. This could include support for practitioners to have time to be evidence-informed in their practice.
- Ensure evidence-informed approaches that draw on the context for individual young people are embedded in tools and frameworks.
- Promote research commissioned across youth justice/probation agencies (including HM Inspectorate of Probation) that has led to practice and culture changes across the sector.

Principle 2 – Contextual/ecological

The research and thematic reviews highlight the need for a contextual and ecological approach to welfare. Policies and guidance within both youth justice and probation services reflect this. Key messages included ensuring 'the environment that children live in is rehabilitative and safe' (MoJ and YJB, 2019, p.14) and that a social-ecological model is important for assessing children at risk (HM Inspectorate of Probation, 2024a). There is also recognition that a secure setting may not be the most appropriate way to keep a child/young person safe (HM Inspectorate of Probation, 2024b).

Contextual and ecological factors need to be considered within the community and within the secure estate. The link between school exclusion and vulnerability to being criminally exploited has been highlighted by Ofsted (2018). The effects of poverty are intensified by precarious housing. Access to secure housing is a key preventative measure to safeguarding children set out in *Working Together* (HM Government, 2023). The influence of peers and geography in offending were raised in a thematic review looking at the experiences of black and mixed heritage boys in the youth justice system (HM Inspectorate of Probation, 2021). An environment can affect 'doing' crime, and it can also affect desistance from crime. Johns et al. (2017) used a social-ecological lens to demonstrate how a positive approach to justice interventions supports the development and maintenance of positive identities and pro-social behaviours.

Whilst giving a stable residence for a young person, the secure estate presents other safeguarding challenges both on arrival and when transitioning within the system. For young people moving between different institutions, e.g. a secure children's home (SCH) to a young offender institution (YOI), these spaces will look, feel, and sound different and therefore the impact of these changes need to be considered using a Transitional Safeguarding lens. The challenge is how to navigate different physical environments and regimes to ensure effective safeguarding.

Leaders and practitioners from both sectors highlighted that working contextually is more constrained in probation, because of tighter parameters around enforcement, risk assessments, as well as time and resource constraints. Probation practitioners have less flexibility to offer meeting locations outside of their offices, and home visits are rarer due to the time this involves.

Access to community services were constrained by significant resourcing issues across settings, particularly for mental health support. For those living in rural areas, a shortage of services to meet specific needs can be felt more acutely than in urban areas. Poor public transport options can affect the ability of young people to attend appointments both with probation and with other agencies. Further barriers to accessing support (youth justice, probation and community services) may arise from different geographic boundaries of service responsibility. For example, service boundaries of youth justice may not overlap with those of probation; care-experienced young people may be moved between placements and thus cross into different service areas. Similarly, court locations, custodial sentence placements and housing upon release may involve further shifts and disruptions to support services and personal support networks.

Policy considerations

- Review current policies and frameworks to ensure that they adequately reflect the contextual and ecological factors highlighted above. There may be specific work required to support contextual working within the secure estate.
- Actively promote policies and frameworks that support contextual working.
- Provide guidance for probation practitioners setting out the flexibility that they can offer, together with consideration of a differing approach for young people.
- Develop an understanding of the impact of living rurally on the ability of young people to engage with services and consider an appropriate system response.
- Work to review how existing policies support cross-boundary working, together with work across sectors nationally to explore how effective cross-boundary working may be facilitated.

Principle 3 – Transitional/developmental

There is recognition of the need for flexibility in thinking around age across youth justice and probation (AYJ, 2023). The two systems are based on different ideological and operational approaches (Price, 2020; AYJ, 2023), and the differing ethos means that there are different practice frameworks and statutory requirements. The expectations around contact are usually more frequent within youth justice, with requirements for assessment and planning reducing within probation (Price, 2020). The reduction in contact means there are fewer opportunities to build relationships and understand the maturity and development needs of the young person.

The imperative to recognise maturational and developmental stages rather than ages are found within the institutional practice and literature, e.g. the HMI Probation website (HMI Probation, 2024c) which emphasises the importance of recognising maturation when assessing transitions. Similarly, the *HMPPS Child Safeguarding Policy Framework* (MoJ and HMPPS, 2022b) guides staff to consider the maturity of the young person and the possible impact of previous trauma, whilst giving caution to not absolve the young person of responsibility.

This learning is informing approaches such as the pilot youth to adult transition hub in Newham (HMI Probation, 2024d). Interviews indicated examples of significant sentencing delays, especially for young people who have committed sexual offences. Contexts of maturity, abuse, trauma or exploitation may not be taken into account sufficiently, and previous involvement with other services (such as child and adolescent mental health services (CAMHS) or even, in some cases, youth justice) may not be brought to the courts' attention. Whilst organisational guides may advocate for a Transitional Safeguarding approach that accounts for developmental stages, it is unclear how effectively this can be achieved within the current system.

Policy considerations

- Consider how workforce development frameworks and guidance could include requirements for specific programmes and interventions to support transitional and developmentally-attuned practice.
- Review datasets with a view to adaptations that capture maturational approaches to practice within the probation service.
- Consider further work to support the implementation of practice in line with existing frameworks, e.g. Child First.
- Explore ways in which contact in probation could reflect the level of contact within youth justice systems, to support the young people that probation practitioners are working with.

Principle 4 – Relational

The different approaches and positioning of youth justice and probation impact the quality of relationships. A 2023 Alliance for Youth Justice (AYJ) evidence review highlights how in the transition from youth justice to probation services, important relationships disappear, and information can be lost in the transfer process.

One of the key areas for development would be to upskill staff in their ability to forge connections with young people (AYJ, 2024; Price, 2020) and to provide capacity for other agencies to build relationships. Relational approaches can be a challenge in the secure estate. The thematic review into behaviour in the secure estate (HMI Prisons, 2018) concluded that rapport was important in managing behaviour, but a significant minority (45 per cent) of young people reported the lack of respect they experienced from staff.

The value of relationships to practice is emphasised within the *Standards for children in the youth justice system* (2019) and prominence is given to relationship building within the *Probation Service Management of Young Adults Policy Framework* (MOJ and HMPPS, 2022a) and the Probation Professional Standards (HMPPS, 2023). There is thus recognition within the youth justice and probation documentation that relationships need to be nurtured and that the transition between services is a vulnerable point.

Probation practitioners express a commitment to relational working that is constrained through the more formal settings of their work. As indicated previously, practitioners' capacity for undertaking home visits is constrained by time and caseloads. Similarly, involving family members is less common.

Policy considerations

- Review existing policies in relation to information sharing, including reviewing how current policy is implemented.
- Ensure that workforce development policies and guidance include learning programmes and resources to support effective relationship-based practice. Cross-agency learning should also be encouraged.
- Explore ways in which contact with young people in probation could reflect the levels of contact within the youth justice system.

Principle 5 – Equalities orientated

It is essential to recognise the compounding nature of discrimination and inequality for young people, particularly those from minoritised communities. There is also increasing awareness of the overrepresentation of young people with neurodevelopmental disorders, mental health issues and trauma within the justice system (Hughes et al., 2020). Research suggests that young people with cognitive and language development or deficit issues have a higher risk of offending and particularly suffer within the justice system as they are unable to understand and therefore engage constructively in the process, further penalising them (Hughes, 2015; Anderson et al., 2022). This work demonstrates the need to consider Transitional Safeguarding principles for young people with overlapping experiences of disability and trauma.

The documentation within the justice sector indicates that whilst there is awareness of EEDI issues, the links to safeguarding and practice more generally are unclear. For example, the dedicated thematic review into the experiences of Black and mixed heritage boys (HM Inspectorate of Probation, 2021) identified that this cohort had unmet needs, with evidence in disparity of treatment by the police. From a Transitional Safeguarding perspective, there is more work needed at all levels to embed change into policy and practice.

Neurodiversity and speech and language difficulties are cited as common themes, along with mental health difficulties, care experience, gender, sexual orientation and race/ethnicity. There are regional (e.g. Southern versus Northern English) as well as rural-urban differences that affect available support infrastructures, particularly for LGBTQ+ or Black and Global Majority young people. There are also concerns about systemic adultification and about support for young women, especially in custodial settings. Also, within the population of female offenders, those who started offending in adolescence have higher increased anxiety and major depression than male offenders (Walker et al., 2019).

Youth justice leaders and practitioners referred to adapting work to meet a range of needs linked to EEDI. Some themes and issues varied across areas (e.g. experiences in relation to ethnicity/race in rural versus urban areas such as Black and Global Majority young men being disproportionately affected by school exclusions or criminalisation), while others (particularly neurodiversity and learning needs) are cited across areas and case examples.

Policy considerations

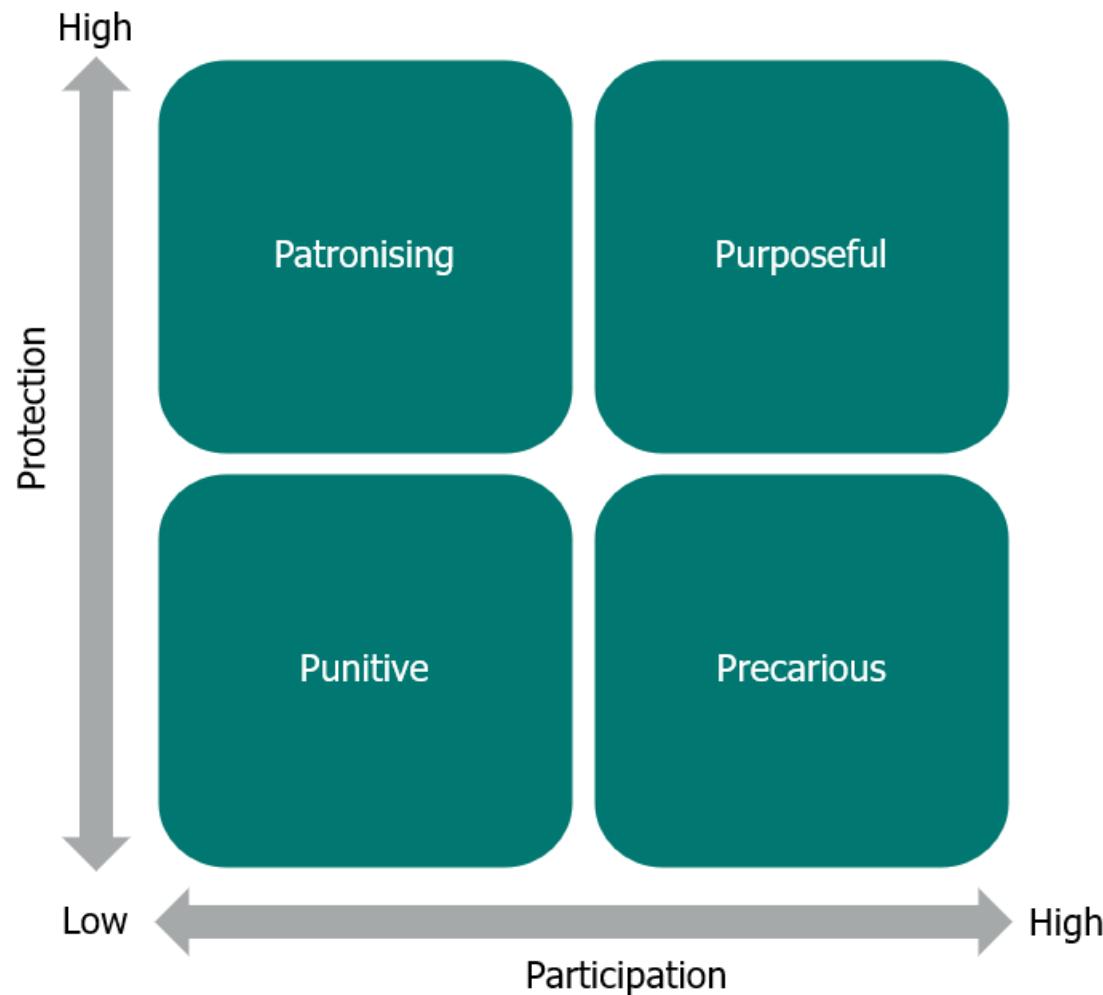
- Review datasets to ensure that they are capturing useful data that supports an equalities-orientated approach.
- Provide support and guidance to enable leaders to effectively utilise the available data to inform service development.
- Provide continuing workforce development to support EEDI practice. This could include learning needs assessments being conducted at local levels.

Principle 6 – Participative

This principle is cross-cutting; participation can address discrepancies between chronological age and development, and attend to young people's rights to exercise choice and agency while also safeguarding and protecting them and others from harm (Huegler and Ruch, 2022). Young people have said they need support to feel safe but do not want to feel as though they are being continuously watched (Holmes, 2022). The HM Inspectorate of Probation *Annual Report 2022/2023* (HM Inspectorate of Probation, 2023) emphasises the need for probation practitioners to balance a positive and supportive approach with the ability to challenge behaviour. However, current parameters of participation often require young people to be proactive at saying what they need when on probation, as staff do not always listen (AYJ, 2023).

The Child First framework states that young people must be involved in all aspects of the service including assessment, planning and review, and in understanding their experiences of court and transitions between settings (MoJ and YJB, 2019). There may be issues with how participation is viewed, as although policies on transition involve young people in planning, child engagement tends to be informing rather than seeking input (HMPPS, NPS, YJB, 2021). To address the discrepancy between what young people want and what may be happening, Cocker et al. (2024) provide a useful matrix in considering the balance between protection and participation and the resulting outcomes. Low participation and protection is found in punitive practice, high participation with low protection is precarious practice for the young person, whilst high protection with low participation is patronising, with high protection and participation being found in purposeful practice. For effective Transitional Safeguarding, purposeful practice is more likely to be found where there are positive relationships.

Balancing protective and participative safeguarding practices (Cocker et al., 2024, p50)



In both the HM Inspectorate of probation inspection data and in our survey data, youth justice practitioners were more meaningfully involving the young person in all aspects of work than probation practitioners. Youth justice and probation have different parameters in which they can respond to young people's 'voices' and 'choices', which link with different opportunities, challenges and constraints.

Youth justice leaders and practitioners referred both to specific consultations involving young people and their families and to taking young people's voices into account across practice interventions. A key challenge and dilemma cited by youth justice professionals was dealing with situations where young people's views of their own situation differ from professional judgements around harmful or exploitative contexts, which may result in young people declining support offers.

Probation leaders cited specific consultations, e.g. Engaging People on Probation, with some areas reporting arrangements aimed at encouraging the participation of young adults. Practitioners referred to integrating young people's voices and choices into sentence planning and setting goals and priorities for each session, alongside the more constrained parameters that involve limited choice (e.g. non-participation leading to breach/recall). Challenges cited included barriers to involving people with lived experiences of probation services in service delivery due to employment constraints affecting convicted offenders.

Policy considerations

- Develop evidence-informed support and guidance to underpin participation.
- Support the use of the 'balancing protective and participative safeguarding practices' matrix to enhance and develop approaches to participation.
- Provide workforce development to support participative approaches, and in particular support for practitioners to be confident in their practice when there is a difference of view between the young person and the practitioner.

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