



Ministry
of Justice

Sir Nic Dakin MP
Parliamentary Under-Secretary
of State for Justice

Andy Smith
Association of Directors of Children's Services

MoJ ref: SUB117444

Sent via email

24 September 2024

Dear Andy,

18-YEAR-OLDS INTERIM POLICY UPDATE

I am writing to update you on the interim policy decision to retain 18-year-olds in the Children and Young People Secure Estate (CYPSE) until their 19th birthday.

Following a review of the interim policy, I have decided that the arrangements will end this month, and we will revert to the previous policy position from October 2024.

Background

As you will be aware, it has long been the case that young people can be held in the CYPSE aged 18. This happens when a young person turns 18 in custody and will be imminently released to the community or based on their needs and vulnerabilities to allow for completion of ongoing interventions. Decisions on holding 18-year-olds for any period in the CYPSE take the needs of the wider cohort into account, prioritising preventing risk to others.

You will also be aware that the adult prison system has and continues to experience capacity challenges. To support the system-wide response, in November 2022, previous ministers decided that the youth estate would hold young adults up until they turned 19. Decisions to hold 18-year-olds are still taken on a case-by-case basis, considering both individuals' risks and needs and those of the wider cohort, but the interim policy has resulted in a higher number of 18-year-olds being accommodated in the CYPSE than in recent times.

No end date was initially set for this interim policy. In January 2024, the Ministry of Justice and Youth Custody Service confirmed they would conduct a thorough review into the interim policy on those in the CYPSE.

Next steps

The Ministry of Justice will publish findings from this review in due course. I have reviewed its key findings and have decided that the interim policy will end from October 2024, reversing back to the previous policy.

I want to see the youth estate return to maintaining an unwavering focus on the specific needs and vulnerabilities that children present. Reducing the number of 18-year-olds in the estate will help it do precisely that.

We will implement this change carefully. We will ensure the safe transition of young adults out of the CYPSE through a phased approach, commencing in October 2024. At this point the default position will be the '[Transitions of Young People from the Youth Custody Estate to Adult Custody' Policy Framework, 2022](#).

In the meantime, I want to assure you that the wellbeing and safety of staff, children and young people always remains the top priority, and I continue to remain focused on ensuring the best possible outcomes for the children and young people in youth custody while the change comes into effect.

Thank you for your continued support.

A handwritten signature in black ink, appearing to read 'Nic', is centered on the page.

SIR NIC DAKIN MP