Parliamentary Briefing: Knife Crime Prevention Orders.

Key points

- The Children’s Society's research has found that as many as 2.2 million children across the UK aged 10-17 are worried about crime with 950,000 children having experienced crime or anti-social behaviour.
- Our organisations are calling for a whole-system, holistic approach to addressing rising levels of serious youth violence. We are encouraged by the Government’s proposed public health approach but action must match this rhetoric.
- The Offensive Weapons Bill is a sensible and pragmatic part of the Government’s Serious Violence Strategy. Serious youth violence is a complex social problem requiring a whole-system response which addresses underlying drivers of violence and provides diversion, support and recovery.
- Our organisations have serious concerns that proposed new Knife Crime Prevention Orders could result in children who are being exploited and involved in ‘county lines’ being criminalised rather than safeguarded. This runs counter to the provisions set out in the Modern Slavery Act 2015 which recognises the need to safeguard victims of exploitation over seeking criminal prosecutions.
- The introduction of these new civil orders risks criminalising children as young as 12 and are likely to have the biggest impact on BAME children.
- The Home Office’s announcement of £51m to support the violence strategy is one eighth of the resource lost from youth services since 2010.

Serious Youth Violence

The Children’s Society’s Good Childhood Report 2017 found that as many as 2.2 million children across the UK aged 10-17 are worried about crime and anti-social behaviour, and an estimated 950,000 children aged 10-17 had experienced crime⁴. Furthermore, ONS data shows that knife crime alone rose by 22% in England and Wales in 2017 with other “high harm” offences up on the previous two years². This fear of crime is often cited in reasons why children themselves carry weapons. Our organisations are clear that it is imperative upon the central government, the police, local authorities and civil society to have a joined-up approach to preventing and responding to serious youth violence.

Government responses to deterring violent crime and anti-social behaviour over the previous two decades have been to enforce criminal and punitive civil deterrents. So far these sanctions have ranged from ASBOs to Dispersal Orders and recently from Criminal Behaviour Orders to the latest initiative, Knife Crime Prevention Orders⁵. So far such deterrents have not made a substantial impact on reducing levels of youth violence. Knife crime in particular has risen, statistics from hospitals on the number of admissions for stab wounds from 2012 – 2017 has increased by 13% in England and 17% in London⁴.

It is wholly appropriate for a Government to develop policies that will act as a deterrent to violent crime, however there is a body of evidence to suggest criminalised interventions, such as stop and searches, do not produce the intended outcome Governments desire; lowering crime rates⁵.
The Home Office have rightly acknowledged that a whole systems approach is needed to reduce the levels of youth violence.

**Knife Crime Prevention Orders**

The Home Secretary announced on the 31st January 2019 that the Government will seek to introduce amendments to the Offensive Weapons Bill that would deter young people from carrying knives, called Knife Crime Prevention Orders. These new deterrents can be imposed on any person aged 12 or over to ‘prevent vulnerable young people from becoming involved in knife possession and knife crime’. These orders could place restrictions on the recipients from entering certain geographical areas, as well as restricting social media use, they could also instruct young people to work with a youth worker or attend an educational programme. The Home Office have stated this will prevent the rapid escalation of rival disputes.

In an Urgent Question on 4th February 2019 to the House of Commons the Parliamentary Under-Secretary of State for the Home Department, Victoria Atkins MP, emphasised that these orders were preventative and aimed at a small cohort of young people. The Home Office should place greater priority on disrupting youth violence by targeting adults who coerce, control and threaten young people instead of sanctioning a small number of young people. These Knife Crime Prevention Orders are targeted at children and young people who themselves could be victims of exploitation rather than the perpetrators themselves.

Our organisations are concerned that these orders could result in deepening the divide between vulnerable young people and law enforcement and be ineffectual in delivering the result that we all so desperately want to see – a reduction in serious youth violence. As currently drafted, these orders risk criminalising young people and pushing them further from support. There is no recognition of the links between exploitation and serious youth violence in the clauses as currently drafted. Nor is there a recognition that a child carrying an offensive weapon should unambiguously prompt a safeguarding response under the duties set out in the Children Act 1989. The Children’s Society and Just for Kids Law would encourage Parliamentarians to seek assurances on whether the Home Office has undertaken a Human Rights and Equalities Impact assessment of these new measures.

The David Lammy Review highlighted that the use of stop and search increases stereotyping and harms relationships with young people. Whilst when used intelligently, this can be an effective tool, the Serious Violence Strategy acknowledges that there is no evidence that a reduction in stop and searches lead to an increase in serious violence. Feedback from young people that we support is reflective of the findings in The David Lammy Review - in BAME communities young people say their distrust with the police starts from a young age. This is often reflective of disproportionate incidences of stop and search amongst BAME young men, which is describe in the David Lammy Review as having ‘corrosive effects’ on trust among these communities and the police. This is reflected in the Prime Minister’s Race Disparity Audit, which finds that only 3 in 5 black young people trust the police.

By the Home Office’s own admission, targeted interventions such as stop and searches and criminal behaviour orders do not have a direct impact on lowering crime rates. This begs the question, will the latest version of this deterrent result in a drop in knife crime or simply create the same division amongst vulnerable young people and authorities as previous initiatives have done.

**Improvements to the Knife Crime Prevention Orders**
If these orders are approved by committee of the House, Parliamentarians need to carefully scrutinise them as they currently stand. The Children's Society and Just for Kids Law have suggested several improvements and safeguards to the orders below that Parliamentarians should explore with the Home Office.

- **Only** the positive aspects of the order should be given to children under the age of 18 years old and their families offering support, educational guidance and addressing safety concerns. This is line with a public health, holistic approach to youth violence.
- If the orders remain a punitive instrument, they should not be applied to children under the age of 18.
- If the order is being applied to a young person, and there is reasonable grounds to suspect the young person is being exploited, the police need to be given the tools to disrupt this exploitation by sanctioning the perpetrator.
- Authorities need to safeguard children being considered for an order before a decision is made. This should include a referral to children’s social care for an assessment under the Children Act 1989 and/or a referral to the National Referral Mechanism as appropriate. This process should initiate a different policing response if the young person is found to be exploited.
- The Home Office must produce clear guidance to authorities on the burden of proof required to sanction a young person through this order. This guidance must be in accordance with The Equality Act 2010 to prevent undue prejudice to marginalised groups. The Home Office and Ministry of Justice must also consider their approach to young people who breach an Order. The evidence around short prison sentences and their relationship to higher risk of re-offending is proven. They should also consider the impact of having a criminal record on the future life chances of a young person.

### A New Approach to Youth Violence

The Children’s Society and Just for Kids Law believes the narrative needs to shift substantially from punitively viewing vulnerable young people as “criminals”, towards viewing and responding to these children as children in need of safeguarding first and foremost, and in some cases as victims of exploitation. As previously stated a key reason why children carry knives is the fear of being a victim of crime. Some young people do not trust the police to protect them and therefore take it upon themselves to do so. There needs to be a much greater emphasis on helping communities build trust in the police, and The Children’s Society and Just for Kids Law would question whether enforcing civil sanctions is the right method of re-building that trust.

We are encouraged to see that the Home Office are consulting on a legal duty to implement a public health approach to youth violence. The Children Society, along with multiple other organisations across the youth justice and children’s sector believe a joined-up, whole community response should be championed by the Government. There are excellent examples of community projects which, if adequately funded, and connected to a wider network of agencies, could have greater impact within their communities. The Home Office need to work across Government departments and statutory organisations to create flexible multi-agency model that can be implemented across the U.K.

The Children’s Society and Just for Kids Law also believe that in order to tackle the roots of youth violence, the government should focus on early intervention. In order to do this, the Home Office need to acknowledge the impact of the loss of youth services across the country. The £51 million packet of measures announced in the Serious Violence Strategy amounts to an eighth of the total...
reduction in funding to youth services since 2010\(^1\). Unfortunately, we are unlikely to see a resurgence of youth services and diversionary activities as local government are facing a deficit in their budgets for children and young people’s services of £3bn over the next five years.

Whilst the Youth Endowment fund and other preventative measures the Home Office has rolled out are welcome, it does not fill the gaping hole from a loss of services elsewhere. Nearly £17 billion per year – equivalent to £287 per person – is spent in England and Wales by the state on the cost of late intervention\(^2\). This presents a clear economic and social argument to investing in early intervention services, these strategies can be just as an effective deterrent than sanctions that can cause social division.

Questions to the Minister

- What does the Minister see as the key drivers of the increase in serious youth violence?
- Does the Minister agree that safeguarding vulnerable young people and children must be prioritised over criminalisation, and what training is the Department creating for police forces to spot forms of criminal exploitation in vulnerable young people?
- Does the Minister think Criminal Behaviour Orders are an effective form of deterrent for young people? Has the Home Office made any recent assessments of previous civil orders impact on crime rates?
- What burden of proof will the courts require to give the new Knife Crime Prevention Orders to a young person?
- Will the gang matrix be used to target who to give Knife Crime Prevention Orders?
- Does the Minister agree that a cross-departmental approach is needed to reduce serious violence, and will the Home Office acknowledge that a reduction in youth services and diversionary activities over the past decade could be a factor in youth crime?
- What is the equalities impact of the introduction of Knife Crime Prevention Orders?

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2. [https://www.bbc.co.uk/news/uk-43905407](https://www.bbc.co.uk/news/uk-43905407)
3. [https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7836#fullreport](https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7836#fullreport)