

# Offensive Weapons Bill

## House of Lords, Report Stage

### Knife Crime Prevention Orders

22 February 2019



#### KEY MESSAGES

- Knife crime has a devastating impact on victims, their families and communities. The recent rise in such crimes committed by young people is of enormous concern to local government.
- Young people who have suffered adverse childhood experiences or exhibit other vulnerabilities are more likely to be involved in the youth justice system. We should provide them with the support that they need to overcome disadvantage or trauma in order to live positive lives away from crime.
- The new clauses on Knife Crime Protection Orders, tabled by **Baroness Williams of Trafford** (Conservative), and the clause tabled by **Lord Kennedy of Southwark** (Labour), both seek to introduce civil orders to help the police manage people who are engaged, or at risk of engaging, in knife crime and help steer them away from crime.
- Should Knife Crime Protection Orders (KCPOs) be introduced, it is essential to ensure the new orders effectively tackle knife crime. These orders should not contribute to the unnecessary criminalisation of young people and should not disproportionately target any one community or group.
- There needs to be a full and comprehensive consultation held with relevant stakeholders, including representatives from children's services, youth offending teams, the police, the voluntary and community sector, and the public, before KCPOs are brought into effect. We would welcome a full report on the root causes of knife crime and wider serious violent crime. This should include which early interventions are most effective in tackling serious violence.
- The Government's clause states the KCPO must specify a person or organisation responsible for monitoring compliance with the order. The amendments do not specify the individuals or organisations who might be expected to do this. During the House of Lords Committee Stage debates,<sup>1</sup> the Minister indicated the designated person could be a youth worker who will be expected to supervise compliance with KCPO requirements.
- It is important that any new costs to local government associated with Knife Crime Protection Orders (KCPOs) are fully funded. Without additional resources, the new responsibilities placed on youth offending teams (YOTs) to monitor compliance with KCPOs will risk the vital work that these organisations do to prevent young people from becoming involved in criminal activity. A full assessment is needed to assess the potential impact to youth offending teams and other bodies who will be expected to supervise compliance with KCPOs.
- Local authorities are under significant financial pressure. Rising demand and reductions to central government funding mean that children's services departments face a £3.1 billion funding gap by 2025, while the Youth Offending Grant has halved since 2010. We are calling on Government to do more to support a preventative approach by adequately funding youth services.

# Briefing

## **BACKGROUND INFORMATION**

### **Statistics**

Knife crime has a devastating impact on victims, their families and communities. The recent rise in such crimes committed by young people is of enormous concern, especially as a time when these offenses are falling amongst adults.<sup>ii</sup> This response will therefore focus on KCPOs as applied to young people aged under 18, though many of the points will be relevant to all age groups.

The latest statistics show a year on year increase in offenses by children involving knives and offensive weapons since 2014, with 4,500 such offenses committed in 2017-18 (though it should be noted that rates are still lower than a decade ago).<sup>iii</sup>

Councils are responsible for ensuring that local partners work together, through youth offending teams, to deliver effective youth justice provision, and have been highly effective in doing so. The number of children and young people receiving a caution or sentence has fallen by 82 per cent over the last ten years, while the number of first time entrants to the youth justice system has fallen by 86 per cent over the same period.<sup>iv</sup>

Councils are working hard with their partners to tackle all youth crime, including knife crime, and we are pleased that the Offensive Weapons Bill is raising important debates about the causes of, and responses to, these crimes.

We are however concerned that KCPOs may criminalise vulnerable children at a point at which they most need support. There needs to be clear and conclusive evidence that the new orders will tackle knife crime and will not contribute to the unnecessary criminalisation of young people.

### **Resource implications for YOTs and children's services**

The Government's clause states that a KCPO must specify a person or organisation responsible for supervising compliance. Local authorities have responsibilities to deliver effective youth justice provision, along with responsibilities around safeguarding and protecting the wellbeing of all young people in their area. Councils would therefore have an important role to play in KCPOs, including monitoring compliance and supporting young people away from criminal activity. A full assessment is needed to assess the potential impact to youth offending teams and other bodies who will be expected to supervise compliance with KCPOs.

Local government is under significant financial pressure. Rising demand and reductions to central government funding mean that children's services departments face a £3.1 billion funding gap by 2025, while the Youth Offending Grant has halved since 2010. It is important that any new costs to local government associated with KCPOs are fully funded. Without additional resources, the duties associated with administering KCPOs could risk the vital work that these organisations do to prevent young people from becoming involved in criminal activity.

### **Impact on young people**

Evidence shows that young people are more likely to be involved in youth offending if they have experienced adverse childhood experiences. Where young people have experienced maltreatment in adolescence, they are far more likely to be involved in the youth justice system.<sup>v</sup>

The prevalence of county lines is increasing dramatically across the country and we

know that young people are being subject to criminal exploitation as a result. The Children's Society highlights that factors such as being in care, experience of parental substance misuse or domestic abuse, or insecure housing can increase a young person's vulnerability to being exploited by criminal gangs.<sup>vi</sup>

It is clear that those who experience poor quality and traumatic childhoods are more likely to have poor life outcomes. This demonstrates that investment in protecting and supporting children is important both in addressing immediate safeguarding risks and in the longer term, reducing serious violence. We need to be intervening with younger people at an earlier point and making the best use of 'teachable moments'. For example, some of the work Redthread has been doing to identify those in A&E who have suffered a traumatic event through their involvement in serious violent crime.

### **Supporting children and young people**

Funding for YOTs via the Youth Offending Grant has been halved since 2010/11, from £145 million to £72 million in 2017/18. This undermines their ability to continue providing strong outreach, preventative and diversionary work to avoid children and young people coming into the youth justice system in the first place.

In addition, councils have been forced to cut spending on local youth services from £650 million in 2010/11 to just £390 million in 2016/17 as a result of government funding cuts. These services can be invaluable in building trusted relationships with young people so that they can be supported through difficult times and provided with the right support, when they need it.

It is imperative we take a whole systems approach to supporting children and younger people. Parents, teachers and youth workers are all well placed to help provide guidance and support for when a young person transitions to adulthood. If we do not invest fully in children and youth services, we will not be able to tackle serious violence.

Only with the right funding and powers can councils continue to make a difference to their residents lives by supporting families and young people and help tackle serious violent crime in our local communities.

**Further information can be found here:** [LGA report on the relationship between family violence and youth offending](#)

### **Knife Crime Prevent Order**

The amendments<sup>vii</sup> outline that anyone aged 12 or over can be subject to a Knife Crime Prevention Order (KCPO) if:

- a) they are found to be carrying, without good reason, a bladed article in a public place (including a school) twice in a period of two years, *and*
- b) the court believes it is necessary to impose an order to protect the public or prevent the young person from committing a crime with a bladed article.

Applications for KCPOs can only be made by chief police officers, or the chief constable of the British Transport Police or the Ministry of Defence Police. Before making the application, if the defendant is under the age of 18, the relevant person must consult with the Youth Offending Team (YOT) for the area that the young person lives in.

The KCPO can require that a person:

- is in a particular place on specified days or between particular times

- reports to a specified individual on specified days/times
- participates in specific activities.

It can also prohibit the person from:

- being in particular places
- being with particular people
- taking part in specified activities
- using or having specified articles with them
- using the internet to facilitate or encourage crimes using bladed articles.

A KCPO would last between six months and 2 years. Breach of the KCPO would result in:

- a) on summary conviction, imprisonment for a term not exceeding 12 months, a fine or to both;
- b) on conviction on indictment, imprisonment for a term not exceeding 2 years, a fine or to both.

The KCPO must specify a person or organisation responsible for monitoring compliance with the order. The amendments do not specify the individuals or organisations who might be expected to do this.

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<sup>i</sup> <https://hansard.parliament.uk/Lords/2019-02-06/debates/E9C146E1-0A1C-4D4B-B0B3-707125254FCF/OffensiveWeaponsBill>

<sup>ii</sup> Further information available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/685886/Annual\\_Stats\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685886/Annual_Stats_FINAL.pdf)

<sup>iii</sup> Further information available at: <https://www.gov.uk/government/statistics/youth-justice-statistics-2017-to-2018>

<sup>iv</sup> Further information available at: <https://www.gov.uk/government/statistics/youth-justice-statistics-2017-to-2018>

<sup>v</sup> Further information available at: [https://www.local.gov.uk/sites/default/files/documents/15%2034%20-%20The%20relationship%20between%20family%20violence%20and%20youth%20offending-V4\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/15%2034%20-%20The%20relationship%20between%20family%20violence%20and%20youth%20offending-V4_1.pdf)

<sup>vi</sup> <https://www.csepoliceandprevention.org.uk/sites/default/files/Exploitation%20Toolkit.pdf>

<sup>vii</sup> <https://publications.parliament.uk/pa/bills/lbill/2017-2019/0160/18160-RL.pdf>