



AYM Submission to Consultation on Knife Crime Prevention Orders Guidance 24 September 2019

About the AYM

The AYM is a professional association representing the majority of youth offending teams (YOT) and their managers in England.

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YOT. Section 38 (1, 2) identifies the statutory partners and places upon them a duty to co-operate in order to secure youth justice services appropriate to their area. These statutory partners are the local authority, police, the probation service, and health. To support the YOT, additional partners may also be recruited to the joint strategic effort to prevent offending by children and young people.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda.

Our members run services providing community-based supervision for children and young people who offend. We also work closely with staff in secure units and young offender institutions to ensure that young people in custody have as smooth a transition as possible back in to the community.

The AYM welcomes the opportunity to provide a response to the Home Office's Knife Crime Prevention Order; Guidance.

The AYM position on the Government response to serious violence and the Offensive Weapons Act 2019.

In summary

- **The purpose of the guidance and intended audience is not clear**
- **There is not sufficient detail for the guidance to be helpful for specific agencies working with children**
- **Many of the concerns that were raised by ourselves and other organisations during the passage of the Bill have not been clarified or dealt with in enough detail in the draft guidance**

The AYM welcomes the government's commitment to tackling serious violence. We welcomed acknowledgments earlier this year of the need to shift focus from a punitive response towards early intervention and prevention. We welcome the recent narrative around promoting a multi-agency, whole-system approach.

- However, we have concerns that current commitments do not go far enough; are not always grounded in evidence of what works around violence prevention and rehabilitation of children; and will result in more children being criminalised and deprived of their liberty.
- The government response falls short of constituting a public health approach. We do not feel there is a cohesive, cross-government, overarching strategy with clear leadership and long-term commitment
- The government must acknowledge the impact funding cuts have had on capacity across society to prevent and tackle serious violence, and take steps to reverse this.
- Recent investments set out in the serious violence strategy and since are of course welcome. For example, the launch of the Department for Education Tackling Child Exploitation Support Programme is a positive step.
- However, more funding is needed. The limited resources are mostly focused on targeted interventions. This investment is crucial, and many of our members run effective programmes of this type, but the government should invest more money alongside it, directed towards prevention and early-year's interventions. This would more closely represent a genuine public health approach, ensuring children of all ages are provided with the support they need to stay away from serious violence, as well as helping to eliminate the climate in which violence breeds.
- A particularly concerning element of the Act is the introduction of KCPOs, which can be imposed on children as young as 12 on the basis of probability and are highly likely to be net-widening, labelling, and impose more criminal sanctions on vulnerable children and young people. The legislation and guidance appears to regard children as mini-adults, failing to acknowledge their very different developmental stage of life. As a result it fails to regard potential child subjects of order as 'children first and offenders second'.
- The recent introduction of a legal duty on agencies to share information and work together to combat serious violence, while the intention is understandable, could have a number of unintended consequences for both children and the agencies involved. The AYM raised these in its response to the public consultation.
- Implementation of a new duty without additional resources or definitive guidance is wholly inappropriate for services already tasked with rising demand, crisis management options and low retention of staff. It is unclear whether the government has considered how the creation of this duty will fit within other recent policy developments, such as KCPOs (see below) or the Domestic Abuse Bill. It also has the potential to undermine trust between front line staff and young people.
- BAME children are disproportionately represented in the criminal justice system. A punitive response to serious violence is likely to exacerbate disproportionality. Recent evidence now suggests black people are 40 times more likely to be stopped and searched. Although a very small proportion of stop and searches find evidence of any wrongdoing because weapons are generally hidden about the person are more likely to come to light via these methods. Black children are therefore more likely to be caught and prosecuted for possession, whether or not they are more likely than their white counterparts to be carrying a weapon. Therefore an unintended consequence may be an increase in the already disproportionate use of custody for BAME children.

KCPO Guidance feedback

- As a civil Order aimed at children above the age of 12, the Guidance does acknowledge , at key points(1.1, pg4; 1.3, pg 5; 2.7, pgs 9 & 10; 3.2, pg12; 5.1, pg14) the need for a multi-agency response to a child found, or suspected to be, in possession of a weapon. We hope that in the pilot areas that a truly multi-agency response is developed that seeks to include all agencies with responsibilities for safeguarding children (s11 Children Act 2004) in the decision making prior to application being made in court.
- We would welcome a separate set of guidance for how KCPO will be applied to children so that it better reflects the current safeguarding and wellbeing landscape.
- This would also allow for consultation to be widened from being expected solely with Youth Offending Teams, to Children's Social Care, or MASH, thus ensuring safeguarding process for child protection have also been considered or implemented.
- The impact and effectiveness of such civil Orders such as for example the ASBO, or CBO is very limited, especially their efficacy having been applied to children. The recent evidence of what is effective in tackling knife crime, produced recently by the College of Policing is noticeably absent from the guidance (see note 5 below).
- The issue of the consultation with YOTs where children are being identified for possible KCPO, whilst important, should be extended to include local child protection processes; for example local Multi-agency Safeguarding Hubs (MASH) or via local safeguarding children's multi agency arrangements. This would make consultation more meaningful as would the requirement for the reasons for any objection or refusal of support from such agencies being clearly reported to the court.
- The review of the KCPO is another important issues - it would be good to see if the pilots could adopt a similar approach to problem solving court reviews (not holding them in court and requiring all agencies involved to be present, similar to guidance currently issued regarding multi-agency Strategy Reviews in child protection procedures.
- As children are still in a different developmental stage of maturity, we would also hope that the guidance and pilot attempted to keep the length of orders as short as possible. A month is often a long period for children. Our experience of other civil Orders suggest that for many children three years becomes an unnecessarily oppressive period of time.
- In the experience of many YOTs with civil Orders, such as ASBO and CBOs, the larger the number of conditions added, if different from the requirements that exist where current YJ Orders are in force, often results in confusion for the children and their families. Where children have experienced trauma and chaotic life circumstances too many instructions or exclusions to follow will result in accidental breaches.
- As the YJS already impacts disproportionately on BAME communities we feel that unless the guidance is made particular to children; especially being clear about allowing compliance with KCPO requirements to develop over time, that the consequence will be the further disproportionate incarceration of BAME children involved in the youth justice system.

Conclusion

Criminal justice measures or interventions alone will not solve violence affecting young people. To see sustained improvements, it is vital to tackle the root causes of violence, including “childhood trauma, undiagnosed and untreated mental health issues, inadequate state provision and deficient parental support, poverty and social inequality”.¹ The response to serious violence will only be effective if it is evidence-based, and takes the context in which the child is at risk and trauma they have experienced into account.²

The Government’s response to tackling serious violence should be part of a broader strategy to improve the capacity of the safeguarding system, statutory and voluntary services to protect children at risk of harm outside the home, including but not limited to serious violence – child sexual exploitation, criminal exploitation and other forms of harm should also be considered in a coordinated way. Emerging evidence finds that the system is currently premised on abuse in private spaces³ and professionals do not have a framework, resources and guidance in place to address risks in the community⁴.

A response to serious violence which presents the issue as distinct from wider safeguarding duties could lead to a more punitive approach to these children, which evidence suggests is inadequate to reduce violence.⁵ Increased understanding in recent years of child and adolescent development and the causes of offending behaviour has contributed to the development of trauma-informed services and more appropriate responses to offending. This has resulted in a welcome large reduction in the number of children being criminalised. However, we are concerned that this progress risks being undermined by current government policy. Creating new offences and sanctions and increasing the number of children in custody is not going to persuade them to stop carrying knives when they are doing so for many complex reasons.

¹<http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf>

² <http://thenayj.org.uk/wp-content/uploads/2019/05/Youth-knife-Crime-Briefing-May-191.pdf>;
<https://www.rip.org.uk/news-and-views/blog/trauma-informed-responses-in-relationship-based-practice/>

³<https://www.tandfonline.com/doi/abs/10.1080/14733285.2019.1598545?journalCode=cchg20>

⁴ <http://croydonlcsb.org.uk/wp-content/uploads/2019/02/CSCB-Vulnerable-Adolescent-Thematic-Review-PUBLISHED-Feb-2019.pdf>

⁵https://whatworks.college.police.uk/Research/Documents/Knife_Crime_Evidence_Briefing.pdf