



The Association of Youth Offending Team Managers (AYM) response to the Home Office consultation on new knife legislation, including measures to tackle use of machetes and large outdoor knives in crime.

About the AYM

The Association of Youth Offending Team Managers (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 with children in custody and work closely with staff in secure units and young offender institutions to ensure that young people receiving custody experience as smooth a transition as possible into custody and back in to the community.

The AYM welcomes the opportunity to provide a response to this consultation, please find below our answers:

Questionnaire

Q1. Do you agree that the government should take further action to tackle knife crime, and in particular the use of machetes and other large knives in crime?

Yes No

Please give reasons. (max. 250 words)

We are broadly supportive of the recommendations though have strong reservations in relation to there being harsher 'blanket' sentences for children. There is little evidence which supports mandatory custodial policies, and we would instead highlight

the harm caused to children by short custodial sentences which are shown to be counter rehabilitative. It will, in the main, be vulnerable children deeply affected by trauma who would be affected by such policies when convicted of a weapons offence. Mandatory custodial sentencing does not allow for professional assessment of risk and undermines the ensuing judgment about what the child needs to support their future desistance. A short custodial sentence limits any meaningful work which may be undertaken and only serves to delay effective intervention within the community. The Home Office will be aware about the high rate of re-offending for children and young people released on short notices of supervision attached to Detention and Training Orders, an outcome which is unsurprising considering the impact on identity development arising from incarceration with other children and young people exhibiting high levels of risk and need. A new offence and harsher penalty may give rise to greater levels of safety and public confidence if we can ensure the courts fully consider the evidence base regarding desistance for children and the trauma informed approaches adopted by Youth Justice Services. A 'blanket' harsher punishment approach for children will have little or no impact on reducing serious violence and may in fact do more harm than good for the reasons outlined above. An important consideration in the development of any policy will, therefore, be to ensure that distinct approaches are taken, and recommendations made, in respect of both children and adults. Any new law must be supported by a robust public awareness and information campaign supported by appropriate controls and measures (e.g. weapons amnesties).

Proposal 1 - Banning certain types of knives and machetes which we suggest have no practical use and seem to be designed to look menacing and suitable for combat.

Q2. Do you agree with the proposal?

Yes – see context below

Please give reasons. (max. 250 words)

We would agree with the principle that weapons which appear to be designed only for combat should be banned and law which supports this would be seen as reasonable. There is clearly a need for careful consultation with industry specialists to understand the application for potential weapons which may look menacing and deployed to cause harm but which may also have function in a legitimate context. In any case, the introduction of any law will need to be accompanied by a thorough awareness and public information campaign, coupled with the appropriate amnesties, to allow for a full and fair transition to the point where the new law would be enforceable.

Q3. Looking at the common features present in the knives and machetes we are proposing to ban, do you agree that any legal description should refer to:

a) The article containing both smooth and serrated cutting edges

Yes

Please give reasons. (max. 250 words)

Legal description to be as specific as possible – see response to Q2. Trade and medical specialists to provide lead voice.

b) The article containing more than one hole

Yes

Please give reasons. (max. 250 words)

Legal description to be as specific as possible – see response to Q2. Trade and medical specialists to provide lead voice.

c) The article being of a certain length

Yes

Please give reasons. (max. 250 words)

Legal description to be as specific as possible – see response to Q2. Trade and medical specialists to provide lead voice.

d) Are there any other features that should be included in the legal description? Please give reasons. (max. 250 words)

Legal description to be as specific as possible – see response to Q2. Trade and medical specialists to provide lead voice.

Q4. Looking at the length of the types of knives and machetes we are proposing to ban, we invite views on whether the minimum length should be:

a) 8" (20.32cm) b) 9" (22.86cm) c) 10" (25.4 cm) d) Any other length?

Please give reasons. (max. 250 words)

Legal description to be as specific as possible – see response to Q2. Trade and medical specialists to provide lead voice.

Q5. We would like to understand whether and to what extent machetes and large outdoor knives may be needed currently in the UK. Please give reasons. (max. 250 words)

Legal description to be as specific as possible – see response to Q2. Trade and medical specialists to provide lead voice.

Proposal 2 – Power to seize and retain/destroy certain bladed articles held in private if the police are in private property lawfully and they have a reasonable belief that they could be used in serious crime.

Q6. Do you agree that the proposed new power is necessary and proportionate?

Yes

Please give reasons. (max. 250 words)

· Necessary to prevent future offending and protect victims/future victims. · The power will be very useful in situations of domestic abuse where there are significant risks and weapons but no rights to seize currently. · Is an opportunity to disrupt where there are concerns around serious violence and the use of knives through a pro-active approach. · Give confidence to communities that knife crime is being dealt with. · Will be a safeguarding concern if there are children in the property. · Needs to be clear criteria around 'reasonable belief that they could be used in serious crime'

Q7. We invite views in relation to whether the powers should apply to any knife in private property or only to knives of a certain length.

a) Any knife held in private property

Please give reasons. (max. 250 words)

· A knife of any size can cause significant injuries only focusing on knives of a certain length will mean that there are a significant number of weapons that are still in circulation. It could mean that people will purchase smaller knives to avoid seizure. · This would support the reduction in knife related offending, potential safety where there is domestic abuse and protect future victims of violence.

Q8. We invite views from respondents as to whether there should be a right of appeal to the courts in order to recover an item seized or if the avenue of redress should be only through the police complaints process.

Please give reasons. (max. 250 words)

It seems appropriate that this is dealt with by the Police and that the Court system is not over-burdened further by such requests.

Proposal 3 – Increase the maximum penalty for the offences of sale, etc of prohibited and dangerous weapons and sale of knives to persons under 18 to 2 years.

Q9. Do you think that the offences of selling knives to persons under 18 and selling prohibited offensive weapons are of such severity that they should have a maximum penalty of 2 years?

Yes

Please give reasons. (max. 250 words)

· Persons under the age of 18 are children and therefore this seems an appropriate penalty for the sale of such a serious weapon. · Children carrying knives is on the increase and I believe that it is necessary to focus on those that supply the knives to children punitively. However, where children are exploited and are contributing to the sale of knives to other children, the mandated 2 year sentence will offer little purpose

in the constructive resettlement process or in maintaining any stability in a child's life. It would be disruptive and reduce the effectiveness of any community based interventions that could support desistance from crime or from exploitation. Short prison sentences are shown to have little impact and the risk of re-offending is largely increased upon release. Such a disruption reduces the opportunity for a robust risk assessment, risk management plan and an intervention plan that can really get to the crux of the issues for the child and support them to desist from crime.

Proposal 4: Should the Criminal Justice System treat possession in public of prohibited knives and offensive weapons more seriously.

Q10. Should the Criminal Justice System treat those who carry prohibited knives and offensive weapons in public more seriously?

Yes

Please give reasons. (max. 250 words)

We broadly agree that there should be a more serious approach to prohibited knives and offensive weapons, however, this should not be a blanket approach and should consider the appropriate treatment for adults and children as discreet groups and not as one population. The notion of recognising trauma within children's lives and the reasons for the knife/weapon carrying, and whether there are any exploitative factors linked to this is imperative. Short prison sentences are not helpful when working with children and automatic sentence for a second offence would mean only a short period of support on licence and very little time to be undertake any purposeful and constructive work. Such a sentence would disrupt any stability in a child's life such as education, training, employment, specialist interventions for mental health or substance misuse – all of which would have a longer-term positive effect. The children that Youth Justice Services work with have complex trauma and vulnerabilities. It is important that the reasons for children carrying knives/weapons is really understood and principally this relates to fear. Harsher sentencing will not change or reduce that fear and is likely to be ineffective in sentencing children. As referenced earlier, there would need to be a robust information and public awareness campaign before the law could be enacted and defendants justly prosecuted.

Proposal 5: A new possession offence of bladed articles with the intention to endanger life or to cause fear of violence.

Q11. Do you agree with the proposal?

Yes

Please give reasons. (max. 250 words)

We broadly agree with this proposal but request that the response to this in terms of sentencing guidelines are focused on the response to children and adults separately and that they are not viewed the same. A blanket approach to such offences is unhelpful and does not acknowledge the vulnerabilities of children around complex trauma and potential exploitation by adults. The ability to build relationships with

children is a fundamental part of managing risk and desistence and short prison sentences do not achieve these outcomes.

Carly Turner and John Evans, AYM Executive Board members

on Behalf of the AYM.