

Written evidence submitted by the Standing Committee for Youth Justice (SCYJ) (BYC019)

1. The Standing Committee for Youth Justice (SCYJ) is an alliance of over 60 not-for-profit organisations campaigning for improvements to the youth justice system in England and Wales. Our [members](#) range from large national charities to grassroots service providers.
2. The following sets out our position regarding the response to serious violence, as it affects children (under 18s).

Who are the children involved in serious violence?

3. While most people involved in knife crime are over 18, the number of children picking up knives appears to be growing. In the year to March 2019, one in five people cautioned or convicted of carrying a knife was under 18, compared to 16% in 2014.¹ Metropolitan police statistics found that just under half (49%) of those caught with knives in London are now aged 10-19, with 8% between 10-to-14-years-old.²
4. Children becoming increasingly involved in knife crime is reflected in the age of knife crime victims. More than 1,000 10-to-19-year-olds were admitted to hospital with knife wounds in 2017/18. This is a 54% rise over five years³, and the figure is likely to be an underestimate due to inconsistencies in data collection and reporting.⁴ Doctors report victims getting younger, and injuries more severe.
5. Weapon-carrying tends to peak around the age of 15.⁵ This is in line with general research on childhood offending, which finds that many children go through a 'phase' of offending and then desist entirely.⁶
6. Boys are between two and five times more likely to report carrying a weapon than girls.⁷ In 2018, Black, Asian and Minority Ethnic (BAME) children made up 48% of weapon possession offences where ethnicity is known, and 32% of violence against the person offences where ethnicity is known.⁸

Vulnerabilities

7. There is ample evidence that children in contact with the criminal justice system are vulnerable. By definition, they are vulnerable due to their young age and developmental immaturity. This is compounded by the difficulties many face, including mental and physical ill-health, Special Education Needs, literacy and communication difficulties and more:

¹ <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-january-to-march-2019>

² <https://www.standard.co.uk/news/crime/half-of-london-knife-crime-carried-out-by-teenagers-and-children-as-young-as-ten-police-figures-a4056596.html>

³ NHS England (<https://www.bbc.co.uk/news/health-47159808>)

⁴ See All-Party Parliamentary Group on Knife Crime FOI figures: <https://www.barnardos.org.uk/news/nhs-knife-crime-figures-are-tip-iceberg>

⁵ Hemenway et al. 2011; Swahn et al. 2013; Haegerich et al. 2014; Ilie et al. 2017

⁶ Farrington, D.P. (1986) *Age and crime* in Tony, M. and Morris, N. (Eds) *Crime and justice: An annual review of research* Vol 7, pp 192-5.

⁷ <https://academic.oup.com/bjc/article-abstract/59/3/571/5071681>

⁸ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2018>

- The rate of mental health problems amongst children in trouble with the law is thought to be at least 30%, and three times higher than within the general population (Hagell 2002, Jacobson et al, 2010: 68).
- One-third of young people in custody have identified special educational needs (Gyateng et al, 2013)
- 60% of children who offend have a communication disability (Bryan et al, cited in RCSLT, 2009)
- Around 30% of children who have 'persistent offending histories' in custody have IQs of less than 70, signifying a learning disability (Rayner et al, 2008, cited in Hughes et al, 2012: 26).⁹

8. Regarding serious violence specifically, we know that children with Adverse Childhood Experiences (ACEs) are much more likely to become victims or perpetrators of violence. ACEs include physical, sexual or emotional abuse, neglect, bereavement, experiencing or witnessing domestic abuse, family breakdown, and household substance misuse, mental illness, or incarceration. The more ACE's a child experiences, the higher the likelihood of involvement in violence: research by Public Health Wales found that people with four or more ACEs were 15 times more likely than those with no ACEs to have committed violence against another person in the last year, as well as 14 times more likely to have been a victim of violence over the last year¹⁰.

9. A recent study examined the cases of 60 vulnerable adolescents in Croydon.¹¹ 73% were known to their YOT, 65% were suspected of committing knife crime (81% of the boys), 13 of the 60 were in custody (3 convicted of murder), 12 were identified as involved in county lines or criminal exploitation, and five had sadly passed away. A third of the boys had been victims of knife crime, and three quarters were involved in gangs. Over half of the girls had been victims of child sexual exploitation. Their experiences growing up were consistent: 51% of the children came to notice of Children's Services by the age of 5 and three quarters by the age of 12; 72% had an absent father; 42% had experienced domestic abuse (compared to an estimated 20% of the general population¹²); 37% had a parent or sibling known to police; 28% had experienced homelessness; and around a quarter had experiences of parental drug and alcohol misuse. 70% of children in the cohort were referred to CAMHS.

10. Research shows that other risk factors for young people becoming involved in violent crime include poor performance and behaviour at school; low IQ, language difficulties etc.; drug and alcohol use; exposure to violence and peer groups involved in crime or anti-social behaviour.¹³ The Youth Violence Commission identified root causes of youth violence as including trauma; inadequate state provision; poverty and social inequality.¹⁴ A (perceived) lack of opportunity can lead to "the development of criminal careers...as a way of satisfying

⁹ http://michaelsieff-foundation.org.uk/content/inquiry_into_the_operation_and_effectiveness_of_the_youth_court-uk-carlile-inquiry.pdf

¹⁰ Public Health Wales NHS Trust (2015) Welsh Adverse Childhood experiences (ACE) study [online] Available at: <http://www.wales.nhs.uk/sitesplus/888/news/40000/>

¹¹ <http://croydonlcsb.org.uk/wp-content/uploads/2019/03/CSCB-VA-Thematic-Review-Executive-Summary-PUBLISHED.pdf>

¹² Radford, L, Corral, S, Bradley, C, Fisher, H, Bassett, C, Howat, N and Collishaw, S (2011) Child abuse and neglect in the UK today, NSPCC [online] available at: <https://www.nspcc.org.uk/services-andresources/research-and-resources/pre-2013/child-abuse-and-neglect-in-the-uk-today/>

¹³ <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/YP%20knives%20and%20guns.pdf>

¹⁴ Youth Violence Commission (2018) *Interim Report – July 2018* The Youth Violence Commission <http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf>

material aspirations".¹⁵ Of the Croydon children (above) for whom education information was available, 73% received fixed term exclusions in secondary school; 32% had periods of exclusion from primary school.

Why is serious youth violence increasing?

11. While youth violence is the product of multiple, complex and deep-rooted issues within society, it is not inevitable. It is clear from the above that various government policies over the last decade have exacerbated many of the root causes of children becoming involved in serious violence.

12. Funding for support services that help identify and protect children at risk of ACEs has fallen significantly. Demand for women's services that help families escape domestic abuse has increased significantly under the current government, while funding has fallen by 50%.¹⁶ Children's social care services are also facing increasing demands and insufficient funding, as well as high turnover and low retention of staff. The National Audit Office describes Local Authority finances and services as 'under strain'.¹⁷ A recent report by the Housing, Communities and Local Government Committee refers to children's services as 'at breaking point'¹⁸.

13. Children's centres such as Sure Start play a vital role in early years development, improving parenting skills, reducing inequalities in outcomes¹⁹, and thus helping prevent children from entering the care system. Yet the number of centres and the quality of service they are able to provide has been severely reduced in recent years.²⁰ The reduction in this service is placing pressure on services further down the line: a recent study by the Institute for Fiscal Studies found greater Sure Start coverage prevents around 5,500 hospitalisations per year. The number of children being taken into care has increased by around 30% over the last decade.²¹ Looked after children are disproportionately represented in the criminal justice system, and are especially vulnerable to grooming and criminal exploitation.

14. As schools manage tight budgets, pressures to provide support to children at risk of harm has increased. Class sizes have increased, staff numbers have fallen, and special educational needs teachers, pastoral support, counsellors and detached youth workers have all been lost. The school exclusion rate has increased dramatically, by 56% over three years²² and a third of local authorities have no places in their Pupil Referral Units.²³ Excluded children in reduced hours education or other alternative provision are often left isolated, their

¹⁵ <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/YP%20knives%20and%20guns.pdf>

¹⁶ <https://www.theguardian.com/society/2019/feb/27/domestic-violence-london-rise>

¹⁷ <https://www.nao.org.uk/wp-content/uploads/2019/01/Pressures-on-Childrens-Social-Care-Summary.pdf>

¹⁸ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/housing-communities-and-local-government-committee/news/funding-local-childrens-authorities-report-published-17-19/>

¹⁹ DfE (2015) *The Impact of Children's Centres: Studying the Effects of Children's Centres in Promoting Better Outcomes for Young Children and Their Families* University of Oxford

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485346/DFE-RR495_Evaluation_of_children_s_centres_in_England_the_impact_of_children_s_centres.pdf

²⁰ House of Commons (2017) *Sure Start (England)* (7257) London

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7257#fullreport>

²¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/75792/2/Children_looked_after_in_England_2018_Text_revised.pdf

²² <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>

²³ https://www.barnardos.org.uk/news/Children_excluded_from_school_are_at_risk_of_knife_crime/latest-news.htm?ref=130695

peer group is more likely to be involved in criminal activity, and they are more vulnerable to grooming and exploitation by older people and gangs.²⁴

15. In 2017, an average of 150 children a day were turned away from Child and Adolescent Mental Health Services²⁵. Youth services have been slashed, with hundreds of youth centres closing. Youth service workers report that councils are closing “open access” services, as targeted services are prioritised. Between 2012 and 2016 this has amounted to a loss of over 3,500 youth worker jobs, over 600 youth centres, and almost 139,000 youth service places for children and young people.²⁶ Children are increasingly being left with nowhere to go, nothing to do, and nobody to turn to.

16. Although children are identified as in need of safeguarding, agencies’ capacity is too constrained to intervene. Spending on non-statutory services has fallen sharply²⁷ and available interventions are more limited in scope and short-term, often offered only once a child has reached crisis point. The Croydon report evidences that despite schools and other agencies frequently making referrals for support²⁸, the ability to protect children from harm was undermined by the short-term and ‘reactionary’ nature of interventions.

17. The ability of youth justice services to intervene early once a child becomes involved in knife crime and prevent reoffending is also being limited in a situation where youth justice practice grants provided to Youth Offending Teams (YOTs) have been cut by more than half, from £145m in 2010/11 to £72m in 2017/18.²⁹

18. Children carrying weapons are often doing so because they perceive themselves as unsafe, and carrying a weapon as self-defence. As the number of vulnerable children lacking the support necessary to protect and divert them away from crime increases and knife carrying increases, so does the level of contagion. Knife carrying is increasingly seen as the social ‘norm’, and therefore becomes more widespread as others seek to protect themselves.

19. There are other factors impacting serious violence levels such as organised crime and gangs that are increasingly motivated by profit,³⁰ seeking to exploit vulnerable children to run and sell drugs. Cuts to police resources and the decreased policing presence, particularly community policing, will have impacted on crime deterrence. However, if we address the poverty, trauma, lack of opportunity and other factors at the root of violence, social norms would change, and fewer children would be vulnerable to criminal exploitation or becoming involved in crime.

How should we respond to serious violence?

20. We are clear that criminal justice measures or interventions alone will not solve youth violence. To see sustained improvements, it is vital to tackle the root causes of violence, including “childhood trauma, undiagnosed and untreated mental health issues, inadequate

²⁴ Cobain, I. (2018) Street violence: 'For them, using a knife may seem rational' *The Guardian* [online] 19 July

<https://www.theguardian.com/uk-news/2018/jul/19/street-violence-for-them-using-a-knife-may-seem-rational-london>

²⁵ <https://www.nspcc.org.uk/what-we-do/news-opinion/child-mental-health-referral-rejections-top-100000/>

²⁶ UNISON (2016) *A future at risk: Cuts in youth services* UNISON
<https://www.unison.org.uk/content/uploads/2016/08/23996.pdf>

²⁷ <https://www.nao.org.uk/wp-content/uploads/2019/01/Pressures-on-Childrens-Social-Care-Summary.pdf>

²⁸ <http://croydonlcsb.org.uk/wp-content/uploads/2019/02/CSCB-Vulnerable-Adolescent-Thematic-Review-PUBLISHED-Feb-2019.pdf>

²⁹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-05-09/252658/>

³⁰ https://www.lsbu.ac.uk/_data/assets/pdf_file/0018/128205/postcodes-to-profit-dr-andrew-whittaker.pdf

state provision and deficient parental support, poverty and social inequality”.³¹ 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.³²

21. 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 spaces³³ and professionals do not have a framework, resources and guidance in place to address risks in the community³⁴.

22. 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.³⁵ The Newham Safeguarding Children Board Serious Case Review for “Chris” for example, reports that ‘there was a tendency to view risk-taking adolescent behaviour primarily through the lens of offending and harmful peer groups through the lens of gangs, distorting understanding and responses’. These included signposting to Youth Offending teams rather than carrying out holistic assessments, which take into account a child’s experiences.

23. 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.

The public health approach

24. We welcome the growing recognition of the need to adopt a public health approach to youth violence, treating it as we would a contagious disease. This means collecting data and conducting research to identify the character and scale of the problem, why it occurs and who it impacts. It means evaluating and scaling-up successful strategies and interventions, and designing new ones where there is a gap in current provision. A public health approach should direct resources towards primary prevention programmes “designed to expose a broad segment of a population to prevention measures and to reduce and prevent violence at a population-level”.³⁶ At the same time, it should recognise that certain environments and experiences create a greater risk of involvement in crime, and provide targeted prevention and early-intervention support in these areas.

25. The public health approach must involve the local community and be tailored to local needs. Responses should involve and be led by the community, family, and children and young people affected as far as possible. However, the strategy requires “whole-system,

³¹ <http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf>

³² <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/>

³³ <https://www.tandfonline.com/doi/abs/10.1080/14733285.2019.1598545?journalCode=cchg20>

³⁴ <http://croydonlcsb.org.uk/wp-content/uploads/2019/02/CSCB-Vulnerable-Adolescent-Thematic-Review-PUBLISHED-Feb-2019.pdf>

³⁵ https://whatworks.college.police.uk/Research/Documents/Knife_Crime_Evidence_Briefing.pdf

³⁶ WHO (2018) *Violence Protection Alliance - The Public Health Approach* [online]
http://www.who.int/violenceprevention/approach/public_health/en/

cultural and organisational change supported by sustained political backing”³⁷, and must therefore have a strong lead and commitment from central government, taking a cross-government approach with adequate resources and guidance. The Youth Violence Commission is clear that “anything short of this will fail”.³⁸

26. We need to support children from day one and intervene early as soon as risks are identified. A multi-agency approach is vital. For agencies to be involved in children’s lives and identify and address a wide range of needs, they must be able to build trust and have open discussions, for example around mental health or trauma. The government should support a local, voluntary approach to multi-agency working, which best facilitates this form of participation. The government should fully fund agencies involved in protecting children and work to identify and spread best practice and support local areas to set up their own multi-agency ways of working. This should include supporting voluntary sector organisations, which are often based in and led by communities and therefore often have a greater understanding of local needs, and can be more trusted by service users than statutory agencies.

27. There is no need to reinvent the wheel – programmes and initiatives that have been proven to work at reducing serious violence already exist. However, agencies are often working in isolation and are under-resourced, and staff retention and welfare is often an issue. We need a system that receives the recognition and funding it deserves, and is supported to work together to provide children holistic support as soon as concerns are raised.

Positive opportunities for children

28. Schools are in an excellent position to teach children social and emotional skills, helping them develop resilience and regulate their behaviour. Focus should be placed on the importance of personal, social, health and economic education (PSHE) and relationships and sex education (RSE), teaching children about identity, life skills, and social development, as well as the risks associated with carrying knives and involvement in crime. Schools need sufficient resources to provide targeted assistance to children who are struggling with poor academic performance or behaviour. They should provide modern and diverse careers advice and integrated support services such as social workers and mental health workers.

29. Research has highlighted the role that a lack of legitimate and attractive employment opportunities plays in drawing children and young people into – and trapping them in – gangs.³⁹ Many criminologists and sociologists have recommended widening gang-involved people’s horizons and increasing their opportunities for employment in order to offer a viable alternative to the gang lifestyle. Schools must be incentivised to do everything in their power to keep children in school and gaining qualifications and experience. Exclusions should only be used as a last resort, and children who are excluded or at risk of exclusion need access to appropriate support services. This is particularly true for BAME children, who are disproportionately likely to be excluded from school,⁴⁰ and go on to face higher unemployment rates.⁴¹ There must also be improvements made to the quality and hours of

³⁷ <http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf>

³⁸ <http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf>

³⁹ Reid, E. (2017) ‘On road’ *Culture in Context: Masculinities, religion, and ‘trapping’ in inner city London* Brunel University

<https://bura.brunel.ac.uk/bitstream/2438/14817/1/FulltextThesis.pdf>

⁴⁰ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>

⁴¹ <https://www.ethnicity-facts-figures.service.gov.uk/work-pay-and-benefits/unemployment-and-economic-inactivity/unemployment/latest#by-ethnicity>

education available to children in the secure estate, so that they can access education and employment on their release.

30. SCYJ research has shown that the childhood criminal record system acts as a barrier to accessing employment, housing, and education.⁴² This prevents children from growing up and moving on with their lives, working against rehabilitation. Reforming the system so it is less punitive and disclosure is less widespread, in line with the recent Supreme Court judgment on criminal record disclosure⁴³, would help young people move away from violence into legitimate employment and education opportunities. This is particularly important given the persistently high percentage of young people who are NEET (not in employment, education or training)⁴⁴.

31. Youth services must be reinstated and youth work put on a formal footing, recognising the vital work they do with children and young people who may not have other positive role models in their lives, or anywhere else to go. Well-resourced youth clubs not only provide safe spaces for children to exist, away from violence on the streets, they provide activities and advice, helping children grow and develop. There are a number of innovative models for youth provision that could be evaluated and scaled up, for example Young People's Foundations. Currently operating in 8 London boroughs, these central hubs for youth services facilitate partnerships, information sharing and coordination, and support capacity building of local youth services.

The criminal justice response

32. All responses to serious violence should prioritise minimising youth justice system contact. There is a growing body of evidence that diverting children away from the formal youth justice system is more effective at reducing offending than any punitive responses.⁴⁵

33. Opportunities for diversion should be continuously explored throughout the child's involvement with the law, not just at the first instance, and should be available to a wider set of children than current practice allows. Consideration should be made to the fact that unconscious or conscious biases, or structural factors, may impact a child's likelihood to be diverted.

34. In line with the UK's commitments under the United Nations Convention on the Rights of the Child (UNCRC), the best interests of the child must be prioritised, considering their welfare needs first and foremost. Children's active participation should be encouraged, as well as engagement from the child's family. Interventions should focus on promoting their strengths and capacities. There is widespread evidence for the centrality of a meaningful,

⁴² SCYJ (2017) *Growing up, Moving on A report on the childhood criminal records system in England and Wales* Standing Committee for Youth Justice
<http://scyj.org.uk/wp-content/uploads/2017/07/Growing-Up-Moving-on-A-report-on-the-childhood-criminal-record-system-in-England-and-Wales.pdf>

⁴³ <https://www.supremecourt.uk/cases/docs/uksc-2016-0195-judgment.pdf>

⁴⁴ ONS (2018) *Young people not in education, employment or training (NEET), UK: May 2018* Office for National Statistics
<https://www.ons.gov.uk/employmentandlabourmarket/peoplenotinwork/unemployment/bulletins/youngpeopl-enotineducationemploymentortrainingneet/may2018>

⁴⁵ See for example Wilson, D., Brennan, I., and Olaghere, A. (2018) *Police-initiated diversion for youth to prevent further delinquent behaviour* Campbell Collaboration
<https://campbellcollaboration.org/library/police-initiated-diversion-to-prevent-future-delinquent-behaviour.html>; and Lesley McAra's essay in NAYJ (2018) *Child-friendly youth justice? A compendium of papers given at a conference at the University of Cambridge in September 2017* <http://thenayj.org.uk/wp-content/uploads/2018/05/NAYJ-Child-friendly-youth-justice-May-18.pdf>

trusting supervisory relationship to effective supervision.⁴⁶ Many SCYJ members very effectively run programmes such as those described, supporting children (under 18s) and young people (generally up to around 25-years-old) of all ages to desist from crime.

35. Children must not be unnecessarily criminalised, marginalised, and deprived of their liberty. They must be supported to move away from violence, and the response must consider not just the child but the whole family and community.⁴⁷ It is vital that investment is made into Youth Offending Teams, so that children have access to support and tailored rehabilitative programmes.

36. Sentencing must take into consideration the fact that many children involved in knife crime are groomed and exploited. There is emerging evidence regarding the scale of child criminal exploitation, for example the National Crime Agency has identified over 1,000 “county lines”, where exploitation of children is a fundamental part of the drug-dealing model.⁴⁸ The response to serious violence must address this, including the absence of support offered to children recognised as victims of trafficking or Modern Slavery. This can increase their vulnerability to being re-trafficked and re-exploited; and affected by serious violence.⁴⁹

37. Evidence shows the certainty of getting caught, rather than the severity of the sentence, can have a deterrent effect. It is therefore vital to ensure policing is sufficiently funded to protect the public. Community policing plays an important role, not only in crime detection, but particularly in helping rebuild trust between police and the community, which will help address BAME disproportionality in the justice system.⁵⁰

38. We are firmly of the position, in line with the UNCRC, that custody must only be used as a last resort. The UN recommends that no child under age of 16-years-old should be sent to custody.⁵¹ Sentencing children to custody will not be effective at rehabilitating children, and should be reserved for the most severe cases. We do not believe that available data signifies that custody is currently used as such, and this is especially true for mandatory minimum custodial sentences⁵², and children on remand.⁵³ Before depriving a child of their liberty, placing them in custodial establishments that are deemed largely unsafe at high costs to the taxpayer, there must be clear evidence that everything else has been tried and has not built sufficient desistance.

⁴⁶ <https://journals.sagepub.com/doi/abs/10.1177/1473225416665611>;

<https://journals.sagepub.com/doi/abs/10.1177/1473225413520360>;

https://strathprints.strath.ac.uk/38070/1/21st_c.pdf

⁴⁷ <https://www.contextualsafeguarding.org.uk/en/blog/2019/working-with-parents-to-address-extra-familial-harm>

⁴⁸ <https://nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file>

⁴⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf

⁵⁰ Lammy Review (2017) *The Lammy Review*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

⁵¹ See revised UNCRC General Comment on Juvenile Justice

<https://ohchr.org/EN/HRBodies/CRC/Pages/DraftGC10.aspx>

⁵² For more information see SCYJ’s evidence submission to the Offensive Weapons Bill Public Bill committee: <http://scyj.org.uk/wp-content/uploads/2018/09/FINAL-SCYJ-Offensive-Weapons-Bill-evidence-submission.pdf>

⁵³ http://www.transformjustice.org.uk/wp-content/uploads/2018/12/TJ-December-2018-PRINT_V2-December.pdf

39. Our objection to knee-jerk responses to serious violence that would see more children sent to custody centre around three main points: there is no evidence custodial sentences deter children from committing crime; the 'public protection' argument is extremely weak for children; and custody is not rehabilitative but deeply harmful, so ineffective at producing the desired result of reducing crime levels.

40. There is no evidence that the threat of custody acts as a deterrent. For harsher punishments to deter people from committing crime, they must be aware of the punishment, then make a rational choice, acting in their own best interest, whether or not to offend. Deterrence theory does not hold true for most people in trouble with the law, and especially so for children and young people: not only is awareness of sentencing amongst children and young adults very low,⁵⁴ there are many children and young adults in trouble with the law who we would not expect to make rational choices.⁵⁵ This is particularly true when they are carrying weapons believing it is for self-protection, especially if they perceive other forms of protection like the police as unavailable to them. Here, carrying a weapon seems like the rational choice. Evidence consistently supports this. A recent evidence review concluded that "lengthy prison sentences and mandatory minimum sentencing cannot be justified on grounds of deterrence."⁵⁶

41. There is very little evidence to support the argument that locking up those carrying out crimes will reduce the level of crime on the streets (aka the public protection argument). Home Office research found that a 15% increase in the use of custody would be required to see a 1% decrease in crime.⁵⁷ As children in trouble with the law tend to be a more transient group, it is likely an even larger increase in child custody numbers would be required to see any substantial impact on crime levels.

42. Custody is not rehabilitative, and is harmful to children and adults. It goes against the principal aim of the youth justice system, according to UK law, to prevent offending by children. A recent report by the College of Policing concluded that for children involved in serious violence, "prison alone has been found to significantly increase reoffending,

⁵⁴ See for example Redthread oral evidence to the Home Affairs select committee serious violence inquiry available here: <http://bit.ly/2NZBc9H>. See also Bevan, M. (2016) Investigating young people's awareness and understanding of the criminal justice system: An exploratory study Howard League for Penal Reform <https://howardleague.org/wp-content/uploads/2016/06/Investigating-youngpeople%E2%80%99sawareness-and-understanding-of-the-criminal-justice-system.pdf>

⁵⁵ Many children involved in the justice system have mental health and learning difficulties (Carlile 2014), or problems with drug and alcohol abuse. Children have "limited capacity to determine the consequences of their decisions, and are "both more suggestible ('the tendency to change one's mind as a result of pressure or suggestion from others') and compliant ('the tendency to go along with others' propositions or instructions without internal agreement')" (Farmer E, Gudjonsson G H, cited in Centre for Social Justice, 2012). The National Institute of Mental Health has found changes in adolescent brains that alter behaviour, with studies (Blakemore & Choudhury 2006) suggesting that adolescent frontal lobes experience excess production of grey matter. As the frontal lobe is associated with rational thinking, this change impacts on decision making, organisation, self-control, emotional and impulse regulation, and risk-taking behaviours. http://michaelsieff-foundation.org.uk/content/inquiry_into_the_operation_and_effectiveness_of_the_youth_court-uk-carlile-inquiry.pdf; https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJ_Youth_Justice_Full_Report.pdf; <https://www.ncbi.nlm.nih.gov/pubmed/16492261>

⁵⁶ Nagin, D (2013) *Deterrence in the Twenty-first Century: A Review of the Evidence* Pittsburgh: Carnegie Mellon University <https://pdfs.semanticscholar.org/c788/48cc41cdc319033079c69c7cf1d3e80498b4.pdf>

⁵⁷ Home Office (2001) *Making punishments work: report of a review of the sentencing framework for England and Wales Appendix 6, Impact of sentencing on crime, Home Office* https://books.google.co.uk/books/about/Making_Punishments_Work.html?id=XD_qMgEACAAJ&redir_esc=y

compared to non-custodial sanctions”.⁵⁸ The consistently and comparatively high reoffending rates hold when one factors in the more serious and persistent offending of those generally sentenced to custody.⁵⁹ Evidence indicates that custody has a criminogenic effect⁶⁰, with children incarcerated for six to twelve months being significantly more likely to reoffend compared to those in receipt of an intensive community sentence⁶¹

43. The damage that custody does is clear: the poor state of custodial institutions; lack of education provision and trauma-informed care; and the disruption that a custodial sentence causes through “lost accommodation, interrupted education, emotional distress and loss through separation from friends and family.”⁶² We are aware of many children deprived of their liberty in England and Wales who are kept segregated, left in their cells for the majority of the day. We are also aware of many children who are subject to pain-inducing restraint, and the negative psychological and emotional impact of restraint and use of force.⁶³

44. Where depriving a child of their liberty is deemed necessary, it should be under a welfare-based model of care, in non-penal, small settings. More information on the response to children in need of support and rehabilitation is set out by the End Child Imprisonment Campaign, of which SCYJ is a core member.⁶⁴ Regarding resettlement, our member Nacro, through its ‘*Beyond Youth Custody*’ programme set out detailed guidance in the five key characteristics for effective transition.⁶⁵

45. Children must be able to grow up and move on from past mistakes. The criminal record system must recognise this and be reformed to stop it anchoring children to their past, demotivating them to change, and making it difficult to access education and employment opportunities. We are also aware of many barriers to rehabilitation that arise from a child’s anonymity not being maintained during or after their involvement with the law, as a suspect or defendant.⁶⁶ Children involved in serious violence appear particularly likely to have their anonymity revoked by judges, and the consequences of this should be reviewed.

⁵⁸ https://whatworks.college.police.uk/Research/Documents/Knife_Crime_Evidence_Briefing.pdf

⁵⁹ MoJ 2012, cited in NAYJ (2017) *The State of Youth Justice 2017: An Overview of Trends and Developments* National Association of Youth Justice

<http://thenayj.org.uk/wp-content/uploads/2017/09/State-of-Youth-Justice-report-for-web-Sep17.pdf>; MoJ (2018) *Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?* Ministry of Justice

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf

⁶⁰ McAra L and McVie S (2007) *Youth justice? The impact of system contact on patterns of desistance from offending* *European Journal of Criminology*, 4:3, 2007, pp315-45

<http://journals.sagepub.com/doi/abs/10.1177/1477370807077186>

⁶¹ Ministry of Justice (2012) *2012 Compendium of Reoffending Statistics and Analysis*. London: Ministry of Justice

⁶² HMI Probation (2015) *Joint thematic inspection of resettlement services to children by Youth Offending Teams and partner agencies* HM Inspectorate of Probation

<https://www.justiceinspectors.gov.uk/hmiprobation/inspections/youthresettlementthematic/>

⁶³ D. Strout ‘Perspectives on the experience of being physically restrained: An integrative review of the qualitative literature’ (2010) 19 *International Journal of Mental Health Nursing* 416;

P. Smallridge and A. Williamson *Independent review of restraint in juvenile secure settings* (London: Ministry of Justice and Department for Children, Schools and Families, 2008), 4-5;

R. Arthur, *The Criminal Justice and Courts Act 2015 – Secure Colleges and the Legitimation of State Sponsored Violence* *Modern Law Review* (2016) 79, 1, pp. 102-121

⁶⁴ <http://justforkidslaw.org/wp-content/uploads/2019/04/ECI-Principles-and-Minimum-Expectations-FINAL-pub-18-April-2019.pdf>

⁶⁵ <http://www.beyondyouthcustody.net/wp-content/uploads/Now-all-I-care-about-is-my-future-Supporting-the-shift-full-research-report.pdf>

⁶⁶ http://scyj.org.uk/wp-content/uploads/2014/05/Whats-in-a-Name-FINAL-WEB_VERSION_V3.pdf

The Government response to serious violence

46. SCYJ welcomes the government's commitment to tackling serious violence. We welcome recent acknowledgments 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. In fact, we feel that recent government policy can be somewhat contradictory.

47. 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 years 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.

48. We are concerned that the government's stated aim of reducing serious violence is likely to be undermined by elements of current Home Office policy.

49. The recent consultation on a new legal duty on agencies to share information and work together to combat serious violence, while the intention is correct, would have a number of unintended consequences for both children and the agencies involved.⁶⁷ 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 Knife Crime Prevention Orders (see below) or the Domestic Abuse Bill.

50. Clauses in the Offensive Weapons Act will increase the number of children sent to custody, and may lead to disproportionate sentences.⁶⁸ We are particularly concerned about the increased use of mandatory minimum custodial sentences for children. As outlined above, these punitive responses will not be effective. It is also a clear example of the Home Office creating policy that is out of line with other departments: while Justice Secretary David Gauke makes plans to reduce or eliminate custodial sentences under six months, the Act promotes more short sentences.

51. A particularly concerning element of the Offensive Weapons Act is the introduction of Knife Crime Prevention Orders, which can be imposed on children as young as twelve on the basis of probability and are highly likely to be net-widening, labelling, and impose more

⁶⁷ See our full response to the consultation here: <http://scyj.org.uk/wp-content/uploads/2019/05/SCYJ-Response-Home-Office-Public-Health-Duty-Consultation-2019.pdf>

⁶⁸ See our full evidence submission here: <http://scyj.org.uk/wp-content/uploads/2018/09/FINAL-SCYJ-Offensive-Weapons-Bill-evidence-submission.pdf>

criminal sanctions on vulnerable children and young people.⁶⁹ The severe, lengthy and potentially unlimited restrictions that could be imposed as part of an order, and the punishment for breach of up to 2 years in custody, are inappropriate, particularly given the standard of proof required. These Orders were added to the Offensive Weapons Bill as a last minute amendment and did not receive the level of consultation, parliamentary scrutiny, or impact assessment appropriate for legislation with such wide-reaching potential. Despite a wide coalition of professional bodies and voluntary sector organisations expressing strong reservations about the Orders, the Home Office pushed them through.

52. BAME children are disproportionately represented in the criminal justice system. The government response is not doing enough to address this; in fact the punitive government response to serious violence highlighted above is likely to exacerbate disproportionality. Recent evidence now suggests black people are forty times more likely to be stopped and searched.⁷⁰ Weapons are likely to be discovered via stop and search. 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.

53. The focus on stop and search is damaging trust and relationships between communities and police, which are already strained,⁷¹ and will have consequences for effective policing. There is no evidence that stop and search works strategically to tackle knife crime.⁷² The government's own serious violence strategy recognised that there is no evidence that the recent fall in stop and searches contributed to increasing violent crime. While the recent £100m extra police funding announced in the Spring Statement is welcome, it is only a tenth of what has been cut from the Metropolitan police alone. It is unlikely to have stretched very far, particularly given the recent increases in section 60 stop and searches and the time and resources this consumes. We would like to see a commitment to directing resources away from stop and search, towards more effective interventions and community policing.

The contents of this document do not necessarily reflect the views of all member organisations of the SCYJ

June 2019

⁶⁹ See our briefing here:

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Parliament/Offensive%20Weapons%20Bill%20HoL%20Report%20Stage.pdf>

⁷⁰ <https://www.theguardian.com/law/2019/may/04/stop-and-search-new-row-racial-bias>.

⁷¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

⁷² <https://www.college.police.uk/News/College-news/Documents/Stop%20and%20search%20-%20Less%20crime%20-%20Report.pdf>