

By email: KCPO.consultation@homeoffice.gov.uk

Wednesday 25 September 2019

ADCS response to the Home Office consultation on the new knife crime prevention orders guidance

1. The Association of Directors of Children's Services Ltd (ADCS) welcomes the opportunity to respond to this consultation on new guidance for the use of knife crime prevention orders (KCPOs), which were recently brought in under the *Offensive Weapons Act (2019)*. ADCS is the professional association for directors of children's services (DCS) and their senior management teams. All local authorities are currently within our membership. Under the provision of *The Children Act (2004)*, the DCS is the chief officer responsible for the discharge of local authority (LA) functions with regards to education and children's social care and acts as an advocate for children across the local area.
2. It would have been helpful if there were two separate versions of the guidance for children and young people and for adults. At present children's status as a child is not sufficiently recognised in the draft guidance, instead they are being treated as 'mini adults.' It also lacks sufficient operational detail for local services to deliver on this new duty. ADCS would welcome as a matter of urgency further discussions with the Home Office about the status of children in care, specifically the appropriateness of seeking an Order for a child in care and any additional safeguards and links between wider children's services that may be required.
3. It is difficult to disagree with moves to stop children and young people either being seriously injured or prevented from committing very serious crimes but the ability to seek an Order without absolute proof of knife carrying feels inherently disproportionate as does the concept of a preventative measure that criminalises children and young people for a breach. The circumstances in which it is deemed appropriate to seek a KCPO without tangible evidence of knife carrying should be added to the guidance. Some very clear parameters are needed to avoid abuse. It would also be helpful if the guidance included an unequivocal duty on applicants to make a referral to children's social care if seeking a KCPO for anyone under 18 years old to ensure the hard-won progress over the last decade in managing down the numbers of children and young people drawn into the justice system is not lost.
4. The practicalities of a KCPO being granted with prohibitive e.g. limiting use of social media, or positive measures attached e.g. the completion of a drug rehabilitation programme, are not explicitly referred to in the guidance in terms of who is responsible for monitoring, commissioning and funding. The Home Office would do well to note that such services are increasingly difficult to access, and, it is unclear if the court mandates the completion of a specific programme but if the young person does not meet the criteria to secure a place or there is no such provision available locally, would this represent a punishable breach? Further funding to commission such services does not appear to be on offer.
5. Child and adolescent mental health services are increasingly difficult to access as are substance misuse services for under 18s, with the latter being a particularly

The Association of Directors of Children's Services Ltd
Piccadilly House, 49 Piccadilly, Manchester, M1 2AP
0161 826 9484 | info@adcs.org.uk | www.adcs.org.uk | [@ADCStweets](https://twitter.com/ADCStweets)

underdeveloped area of provision. Mentoring and other support services, including those run by YOTs, have been severely impacted by nine years of sustained budget cuts for local government. Overall funding has fallen by 50% since 2010 as has the grant funding YOTs receive from the YJB. Real terms reductions in school funding will also have impacted their ability to offer this kind of help and support to their pupils and local authority youth services are amongst the hardest hit by the sustained reduction in central government funding for public services.

6. The draft guidance indicates that services delivered by charitable, voluntary and sporting groups can be harnessed alongside an Order. Again, there is no reference to funding, training or other resources on offer to help these services fulfil this new role (the same can be said of YOTs too, this is a new burden/duty). This is particularly relevant if intensive support or contact is expected along with progress reports for either the police or the courts. The question of whether voluntary, community or sporting groups can reasonably be expected to enforce these Orders is unaddressed.
7. The guidance makes a passing reference to work with families but offers no further detail of how this will be funded, who will take the lead and which interventions to employ based on the best available evidence. A link might usefully be made here with the Troubled Families Programme, but its long-term future remains uncertain beyond 2020/21.
8. Whilst ADCS welcomes the government's focus on preventing serious harm, we do not believe KCPOs amount to early intervention and may even serve to exacerbate the strained relationship between the police and some local communities. It is not clear if an equality impact assessment has been undertaken nor is it clear how the risk of further disproportionality as a result of this policy will be mitigated against. The [latest national statistics](#) show that black people are almost 10 times as likely to be stopped and searched by the police as white people and we also know that 40% of young people in youth custody are from BAME backgrounds. Indeed, this is precisely why the [Lammy Review](#) (2017) was undertaken.
9. In trialing KCPOs, ADCS members feel it is important that this exercise extends beyond the Greater London region. The selection of a police force area with both urban and rural communities would help us to understand better the practical realities of implementation and usage. Access to the types of services and support outlined in the draft guidance is likely to be highly limited in rural areas as is access to reliable public transport. It is important a full and frank assessment of the trial is shared with all relevant agencies before a national rollout is considered.
10. ADCS members are concerned that KCPOs do little to address the drivers of knife carrying such as fear, criminal exploitation or undiagnosed health needs. Action comes too late to truly be described as a preventative measure; a child or young person must have been caught carrying, or is strongly suspected of carrying, a knife before the Order is issued. A more sophisticated, multi-agency response rooted in public health principles is urgently needed.
11. ADCS would welcome the opportunity to discuss any of the points raised in this response in further detail at a future meeting of our national Families, Communities and Young People Policy Committee. Please contact the relevant ADCS policy officer in the first instance via katy.block@adcs.org.uk to arrange.

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