



Standing Committee for Youth Justice

SCYJ Response – Home Affairs Select Committee Serious Violence Inquiry

Summary

The Standing Committee for Youth Justice (SCYJ) is an alliance of fifty non-profit organisations working to improve the youth justice system in England and Wales. SCYJ's members range from large national charities through to grassroots organisations, for example NSPCC, Barnardo's, Leap Confronting Conflict, Khulisa, and the Centre for Justice Innovation.

SCYJ welcomes the government's commitment to tackling serious violence, and the strategy's acknowledgment of the importance of early intervention and a whole-system approach. However, we have concerns that the proposals do not go far enough, and that the criminal justice measures risk increasing the number of children (under 18-years-old) in custody.

SCYJ is calling on the government to gather evidence on effective interventions and adopt a public health approach that sees resources directed towards preventative services that will have a long-term impact on violent crime.

Serious Violence Strategy

The Home Office's serious violence strategy set out £40m of measures aimed at addressing the rise in violent crime England and Wales has been experiencing in recent years. This includes a range of measures to address county lines and other drug gang activity and exploitation; support for early intervention and prevention initiatives including an Early Intervention Youth Fund; support for communities and local partnerships; and criminal justice responses including the Offensive Weapons Bill currently progressing through parliament. Since the strategy was published, the Early Intervention Youth Fund has been doubled from £11m to £22m, which is very encouraging.

SCYJ welcomes the government's approach, which looks more holistically at youth crime than previous government policy. We welcome the acknowledgement that children involved in violent crime are vulnerable and/or exploited, and that early intervention and preventative measures are likely to bring wide benefits to society. We support the recognition that punitive measures are likely to be less effective than preventative support, and that restorative and diversionary practices should be used as an alternative to criminal justice responses where appropriate. We are also encouraged by the cross-government approach taken, and the emphasis on partnerships and collaboration.

However, we are opposed to key measures contained in the Offensive Weapons Bill. We are also concerned that, while £51m (including the new Early Intervention Youth Fund figure) of investment in serious violence initiatives is welcome, it is unlikely to be substantial enough to address the scale and complexity of the issue, especially in the context of the broad funding cuts we have seen over recent years. As well as this, the strategy does not always direct the limited dedicated resources towards the most efficient solutions, and only provides relatively



short-term funding. We would like to see long-term funding, for example spanning ten years, directed at evidence-based initiatives.

We are concerned that the strategy shows a partial understanding of key concepts such as early intervention, prevention, diversion, and desistance, and by the return in the strategy to a focus on intervention based on risk factors. The risk factor prevention paradigm labels and marginalises children, and restricts and disengages practitioners (Case 2018). As a result the strategy views children as offenders first, children second. It categorises children according to risk rather than addressing the broader context, and focuses on prevention of negative behaviours rather than the promotion of positive ones.

The government must take care over the execution of their strategy, to ensure the maximum potential of their investment is fulfilled. For example, the Early Intervention Youth Fund was launched with a short deadline for bids, over the holiday period, which risks creating rushed plans that don't meaningfully engage with the voluntary and community groups best placed to affect change.

Early intervention and prevention

Addressing the root causes of crime

Youth violence is a product of deep-rooted issues within society, and it is not something that criminal justice measures or interventions alone will be able to solve. To see sustained improvements, it will be 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” (Youth Violence Commission 2018).

We are calling for the government to adopt a public health approach to youth violence, conducting research to identify the problem, why it occurs and who it impacts, and evaluating and scaling-up successful strategies. 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” (WHO 2018).

We welcome the investment in interventions described in the strategy, and the focus on intervening early when children become or are at risk of becoming involved in crime. Many of our 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. However, the current strategy focuses its limited resources on these targeted interventions, for example at ‘teachable moments’, when a child has already been a victim or perpetrator of violence. While this investment is crucial, the government should invest more money alongside it, directed towards prevention and early years interventions. This would ensure children of all ages are provided with the support they need to stay away from serious violence.

The strategy falls short of constituting a public health approach, which requires a “whole-system, cultural and organisational change supported by sustained political backing” (Youth Violence Commission 2018). The Youth Violence Commission (2018) is clear that “anything short of this will fail”. A cross-government approach will be vital to achieving this, with involvement from the NHS and schools. Steps should be taken to address the prevalence of illegal drug dealing (Home Office 2018), and therefore the exploitation and violence that accompanies it.



Children's services

Adverse childhood experiences (ACEs) such as neglect, abuse, and parental drug or alcohol abuse, have a significant impact on a person, with those experiencing four or more ACEs ten times more likely to be a victim or perpetrator of violence as an adult than those with no ACEs (Youth Violence Commission 2018). The Early Intervention Foundation (EIF 2016) has estimated that the cost to the government of intervening too late amounts to almost £17 billion each year. It therefore follows that investing in early intervention, including in the early years, could save the government a large amount of money currently spent on, for example, statutory services, income support, and the costs of criminal justice. However, the strategy states that they “did not find enough evidence to conclude that interventions aimed at the 0-5 age group had the best results”. It is much harder to demonstrate the impact of early-years intervention as benefits are seen many years later, and this difficulty in evaluation should not justify an overall lack of investment in intervention at this age. We recommend that the government invests in early years interventions and carries out long term evaluations to build on the evidence base.

Children's centres play a vital role in early years development, improving parenting skills and reducing inequalities in outcomes (DfE 2015), yet the number of centres and the quality of service they are able to provide has been severely reduced in recent years (House of Commons 2017). The reduction in this service is likely placing pressure on services further down the line.

Early years support is crucial in preventing children from entering the care system, and as previously looked after children are disproportionately represented in the criminal justice system, supporting families in this way would likely decrease the number of children involved in crime. However, the numbers of looked after children continue to increase (DfE 2017). This increase must be urgently addressed, and children in care should be provided with additional support.

Youth services

The £51m packet of measures in the strategy amounts to around an eighth of the total cuts to youth services since 2010. 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 (UNISON 2016). The youth justice practice grants provided to Youth Offending Teams (YOTs) have also been cut by more than half, from £145m in 2010/11 to £72m in 2017/18, despite the strategy recognising the important role YOTs play in rehabilitation.

Children carrying weapons are often doing so because they perceive themselves as unsafe, and carrying a weapon as self-defence. Creating more safe spaces such as youth centres and sports clubs can help keep children off the streets and away from violence. Investing in Youth Offending Teams can ensure children have access to support and tailored rehabilitative programmes that help them move away from serious violence.

School and employment opportunities

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), as well as modern and diverse careers advice and the integration of support services such as social workers and mental health workers. However, there is worrying evidence that rates of both temporary and permanent school exclusions are



increasing (DfE 2018). More children are therefore out of school for hours each day, leaving them susceptible to becoming involved in criminal activity and gangs (Cobain 2018).

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 (Reid 2017). 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. There must also be improvements made to the quality and hours of education available to children in the secure estate, so that they can access education and employment on their release.

SCYJ research has shown that the childhood criminal record system acts as a barrier to accessing employment, housing, and education (SCYJ 2017). 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 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) (ONS 2018).

Criminal justice measures

Offensive Weapons Bill

The strategy includes the introduction of new legislation on offensive and dangerous weapons. The Offensive Weapons Bill, currently at committee stage in the House of Commons, includes measures that would:

- ❖ make it an offence to possess certain offensive weapons in private (Clauses 20, 22);
- ❖ extend the prohibition on possession of a bladed article or offensive weapon in a school to further education premises (Clause 21);
- ❖ lower the threshold for conviction of the offence of threatening a person in public (Clauses 26, 27);
- ❖ create an offence for possession of a corrosive substance in a public place (Clause 5) and a minimum custodial sentence for two possession or relevant offences (Clause 6).

SCYJ is concerned that the Bill will increase the criminalisation of children, who carry weapons for a multitude of complex reasons. We are especially concerned that the measures risk increasing the number of children in custody on mandatory minimum sentences. The law currently mandates minimum custodial sentences of 4-month detention and training orders for 16- and 17-year-olds who are convicted of two or more knife or offensive weapon possession offences; or of threatening a person in public with a knife or offensive weapon. Clauses 5, 6, 21, 26, and 27 will therefore allow for increased mandatory sentencing of children.

SCYJ is against the mandatory custodial sentencing of children, and does not believe the policy will be effective in reducing serious violence. There is no evidence that the threat of custody deters children (Nagin 2013) and knife possession offences have increased since mandatory sentences were introduced (MoJ 2018). Deterrence relies on children being aware of the sentence associated with the crime, and then acting rationally on that knowledge. Awareness of sentencing amongst children is very low (Bevan 2016), and the



developmental age of 16-and-17-year-olds (Blakemore & Choudhury 2006), suggestibility and compliance of children (Centre for Social Justice 2012), and the likelihood of mental health and learning difficulties and drug and alcohol abuse, means those aware may not act rationally, in their best interest. Even if a child is aware of the sentence and able to act rationally, the fear of punishment may well be less than genuine fear for their own safety.

There is plenty of evidence that custody is not rehabilitative. The latest available statistics found 68% of children released from custody went on to reoffend within a year (YJB 2018). While we recognise that children sentenced to custody vs community sentences are very different and therefore reconviction rates are not directly comparable, the post-custody rate is considerably higher than that for community sentences, and the higher rate holds even when one factors in the more serious and persistent offending of those sentenced to custody (NAYJ 2017). In fact, the evidence indicates that custody is in itself criminogenic (McAra and McVie, 2007).

The UN Convention on the rights of the Child stipulates that children should only be sentenced to custody as a last resort (Article 37), and this should be particularly true considering the current state of the children's custodial estate, with the Chief Inspector of Prisons announcing last year that there was "not a single establishment that we inspected in England and Wales in which it was safe to hold children and young people" (HMIP 2017). As well as this, there is no evidence within the strategy that the cost of the potential increase in custody numbers has been factored in. With the average annual cost per child ranging from £76,000 to £210,000 (HC Deb 15 May 2018 c 144303W), even a small increase in numbers of those mandatorily sentenced will have a significant impact on budgets. Local authority budgets will also suffer, as any increase in the punitiveness of responses, towards custodial sentences, is likely to increase the number of children remanded in custody. This number is already too high, and local authority budgets are already stretched. The cost of detaining more children would be far better spent on early intervention and preventative programmes.

Sentencing should consider the background, circumstances and vulnerability of children (Sentencing Council 2017), and judges should therefore have discretion to decide the sentence that is appropriate to the case. Mandatory sentences remove this discretion. As well as this, the measures are likely to disproportionately impact BAME children. For example, corrosive substances are likely to be discovered via stop and search, and Black people are over 8 times more likely to be stopped and searched than White people (Home Office 2017). This will therefore result in more Black boys mandatorily sentenced to custody, regardless of whether they are more likely to possess offensive weapons and corrosive substances than White boys. Almost half of the children currently in custody are from BAME backgrounds (HMPPS 2018), and the government should be taking steps to reduce this rather than creating punitive legislation that is likely to exacerbate the issue.

Policing

The strategy recognises the important role a policing presence has on deterring crime, citing research on the impact of increasing patrols of community support officers in crime hot-spots. We would like to see this recognition of the importance of a police presence extend to future funding decisions for community police.

Maintaining a community policing presence can also help rebuild trust between police and the community, which will be vitally important in addressing BAME disproportionality in the justice system (Lammy Review 2017). We welcome the recognition in the strategy that there is no evidence that the recent fall in stop and searches is contributing to increasing violent crime, and would like to see a commitment to directing resources away from stop and search, towards more effective interventions such as those outlined above.



Girls

While the strategy includes some measures of support for girls as victims, once girls are convicted of an offence there is no recognition of the importance of tailored support. It is crucial that the distinct needs of girls are met, and this is particularly pertinent if they are in custody, where the low number of girls means access to tailored services is even more limited (BYC 2014).

Conclusion

The Youth Violence Commission interim report makes a number of recommendations around reducing serious violence which we support, many of which we have touched on in our response. The serious violence strategy at least partially addresses a number of these recommendations, but we feel there is an overall lack of coordination between the different measures, and no long-term holistic vision.

The government should look to the recommendations made in the commission's report and create a generation-long strategy, spanning ten, fifteen or twenty years. The strategy should follow a public health approach, aimed at tackling the root causes of crime, and providing ring-fenced funding so that progress is not threatened by political uncertainty. The government should evaluate the success of public health approaches such as the violence reduction unit in Glasgow, and local English pilots such as those in Lambeth and Birmingham. Lessons can also be learned by looking to international examples, such as Cure Violence in Chicago, or SOS in New York. These projects should inform the government's approach.

The design of interventions and strategies must have the voices of vulnerable children and young people with lived experience of violence at its heart, as they are best placed to truly understand the fear and motivations involved. For example, the government could ensure the involvement of children and young people through shadow panels, membership on the Ministerial Taskforce, the use of peer researchers, and consultation.

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