

WRITTEN EVIDENCE SUBMITTED BY YOUTH JUSTICE BOARD

(CPB0024)

Our Vision

Working to ensure a youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending and create safer communities with fewer victims.

Youth Justice System Aims

Our Board have established the Youth Justice System Aims which are not only for the YJB to work towards but for the youth justice community as a whole. They are:

1. To reduce the number of children and young people entering the youth justice system
2. To reduce reoffending from children and young people in the youth justice system
3. To improve the safety and wellbeing of children and young people in the youth justice system
4. To improve the positive outcomes of children and young people in the youth justice system

Our role

The role of the YJB is to oversee the youth justice system in England and Wales. The statutory responsibilities¹ of the YJB include:

- Advising the Secretary of State on the operation of, and standards for, the youth justice system;
- Monitoring the performance of the youth justice system;
- Identifying and promoting good practice;
- Commissioning research and publishing information

While the YJB is responsible for monitoring the performance of the youth justice system including community based multi-disciplinary youth justice services, the YJB is not an operational or commissioning body. Youth justice services (YJS) are Youth Offending Teams in statute as specified within the Crime and Disorder Act.

Introduction

The Youth Justice Board for England and Wales (YJB) is a non-departmental public body (NDPB) with a unique focus on children and young people in the youth justice system. Our statutory responsibilities along with the expertise of our Board enable us to set standards for, and monitor the operation of, the youth justice system. Our work with the YJS gives us an operational focus, which allows us to inform national policy and maintain a focus on the continuous performance improvement of the YJS. The YJB is the only official body to have oversight of the whole youth justice system and so is uniquely placed to guide and advise on the provision of youth justice services.

The YJB is committed to following an evidence-based approach, and we can draw on decades of national and international evidence of what works in creating positive outcomes for children. We have summarised this evidence as the Child First approach² and it provides the guiding principles for everything we do. The Child First approach has four tenets which are:

- **As children:** Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally

¹ Crime and Disorder Act 1998

² For further detail, see: Youth Justice Board (2022): 'A guide to Child First'. Available at: [PowerPoint Presentation](#)

informed, acknowledges structural barriers and meets responsibilities towards children.

- **Building pro-social identity:** Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
- **Collaborating with children:** Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
- **Diverting from stigma:** Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

YJB Response

The YJB welcomes the opportunity to respond to the call for evidence by the Joint Committee on Human Rights (JCHR) for their legislative scrutiny of the Crime and Policing Bill. Given our expertise, this submission we will focus on the clauses in the bill that most pertain to children in the youth justice system.

(Clauses 1 - 9) Anti-social behaviour

Clause 2, Schedule 1: Repurposing ASB civil injunctions into youth injunctions (10–17-year-olds) with the introduction of a risk assessment by anyone applying for an order.

The YJB questions the justification for specific youth injunctions to tackle anti-social behaviour (ASB) in children.

While it is common for ancillary orders, such as civil injunctions to be issued by the court in cases involving ASB, the evidence on their effectiveness in reducing anti-social behaviour is limited. In fact, evidence suggests that civil orders often fast-track children into the criminal justice system as the related restrictions are too onerous for what may often be low-level behaviour or may be ineffective in addressing the root cause of behaviour. This leads to a breach and criminalisation which we know increases the likelihood of further offending.³ This goes against our legal requirements to protect the welfare⁴ and best interests⁵ of the child.

Reviews of the operation of other civil penalties have shown variable patterns in their use, limited ability in enforcing conditions, high non-compliance rates and limited availability and referral of people into positive interventions.

The number of recorded incidents of ASB has decreased by approximately 50% over the last 10 years.⁶ Despite the reduction in recorded incidents of ASB, public perceptions of the severity of ASB have remained broadly the same.⁷ It is unclear why public perceptions have remained the same despite the real term drop, but this could be down to the ambiguous definition of what constitutes anti-social behaviour. For a behaviour to be anti-social, it needs to be interpreted as such. Many factors can influence the likelihood of interpreting a behaviour as problematic or anti-social, including context, location, community tolerance and quality of life expectations.⁸ A common criticism of the definition of ASB is that, by describing the consequences of the behaviour rather than defining the behaviour itself, it lacks specificity and measurability.⁹

We are also concerned that children may be disproportionately targeted by ASB measures. We know that children are often seen as 'prime perpetrators' of ASB and are perceived as posing a threat even where there is no objective evidence of specific criminality.¹⁰ In addition, certain groups of children are regularly perceived as particularly 'antisocial', including children

³ McCara L and McVie S, (2007). 'Youth Justice? The Impact of System Contact on Patterns of Desistance from Offending', European Journal of Criminology

⁴ [Children Act 1989](#)

⁵ [United Nations Convention on the Rights of the Child](#)

⁶ [Crime in England and Wales: Appendix tables - Office for National Statistics](#) (December 2024, tab name 'Table F20')

⁷ [Crime in England and Wales: Appendix tables - Office for National Statistics](#) (December 2024, table number D3)

⁸ Nixon et al. 2003

⁹ Armitage, 2002

¹⁰ Burney, E. (2002). Talking tough, acting coy: What happened to the anti-social behaviour order? The Howard journal, 41 (5), 469-484.

from lower income households that have low educational attainment and employment opportunities and children who reside in marginalised communities.¹¹

While there is insufficient evidence about how these policies impacted children from minority populations such as looked after children, ethnic minority children, or children from low-income households, evidence on previous civil orders targeted at ASB suggested that children with learning disabilities and mental health problems were more likely to receive an ABSO.¹² The YJB advocates for avoiding the introduction of policies which may exacerbate existing areas of disproportionality in the system, especially where those measures are unlikely to be effective.

Finally, we would also like to encourage a move away from the use of language such as 'youth' or 'youths' in favour of 'child' or 'children'. This recognises the legal definition of a child¹³ and the associated vulnerabilities and legal protections that this definition should bring.

Clause 7: New ASB data reporting requirements for local bodies to track and improve the national picture of how powers are being used.

The YJB welcomes the opportunity this provision offers to improve our collective understanding of ASB and how this is most effectively addressed. We believe there is further scope to enhance quality of ASB data nationally, by including the age of individuals involved in ASB in new recording requirements. The data on recorded incidents of ASB is not currently broken down by age, so we do not have a clear idea of how many children are involved in ASB. It would also be helpful to understand whether children are committing ASB under the influence of an accompanying adult.

Stronger data would allow the government and local agencies to identify trends more quickly and respond more effectively. The previous government's consultation on ASB powers identified the lack of data on ASB as a significant challenge¹⁴ and the YJB considers the inclusion of age-related data a key step in addressing this gap.

Until we have a clearer understanding of the national picture of ASB, including a better picture of the age demographics of those involved, the YJB would strongly advocate for not introducing new provisions which go against the evidence for what works and may be counterproductive.

(Clauses 110 – 121): The introduction of new youth diversion orders, a counterterrorism risk management tool which would be available only with respect to individuals under the age of 21.

Terror related offending has a devastating effect on victims, families, and the fabric of our wider communities. Preventing children from becoming involved in such activity now or into their adulthood must be a matter of priority.

To provide context, the numbers of children committing Terrorism Act 2000 (TACT) related offences remains low. In 2024, 39 out of the 248 arrests (16%) were aged 17 and under, a decrease from 43 in 2023¹⁵. Whilst the largest proportion of these arrests (49% in 2024) for terrorism-related activity continues to be comprised of those aged 30 and over¹⁶.

¹¹ Fyson, R. and Yates, J. (2010). Anti-social behaviour orders and young people with learning disabilities. *Critical Social Policy*, 31 (1), 102-125.

¹² BIBIC, (2007). Fyson, R. and Yates, J. (2011). Anti-social behaviour orders and young people with learning disabilities. *Critical Social Policy*.

¹³ United Nations Convention on the Rights of the Child (UNCRC), Article One

¹⁴ [Anti-Social Behaviour Action Plan \(accessible\) - GOV.UK](#)

¹⁵ [Operation of police powers under TACT 2000, to December 2024 - GOV.UK](#)

¹⁶ Ibid

Over the longer term, we recognise that there has been an increase in children arrested for TACT offences. For example, in 2019, only 12 children were arrested for TACT offences¹⁷, whereas in 2024, 39 children were arrested¹⁸. This represents a significant rise in percentage terms but in real terms it is only a rise of 27 children over 5 years. Of course, we do not want to downplay any rise in TACT related offending which is a cause for concern and should be tackled effectively.

When working to identify and manage children at risk of, or who have become involved in, terrorist-related activity, we must maintain a balance between protecting the public and our legal requirements to protect the welfare¹⁹ and best interests²⁰ of the child.

The evidence does not support the use of civil orders such as the planned Youth Diversion Orders (YDOs) and in fact the evidence shows that civil orders are often ineffective at addressing the root cause of offending and can also draw children further into the system in the event of a breach of conditions (see above response on Clause 2.)

To be effective in tackling radicalisation and terrorism, it is vital that in the first instance universal services, safeguard, educate and prevent children from becoming marginalised. When vulnerabilities are identified, an individualised and collaborative approach is required. It is also worth noting that any child at risk of or who has committed a TACT offence is likely to present with additional needs and vulnerabilities and should be supported using existing safeguarding measures by all professionals working with the child.

(Clauses 86 – 88): The introduction of an offence for someone to conceal their identity at certain protests.

The YJB are broadly supportive of this measure and are pleased to see that the offence has been designed to include explicit defence for individuals who may be wearing face coverings for religious or legitimate medical reasons. We would also like to suggest that clear provision is made to ensure that individuals who happen to be in the vicinity of a designated area without prior knowledge of the protest or intent to participate cannot be inadvertently charged if they are covering their face for non-nefarious reasons.

We would also like to seek clarity on what guidance will be issued to police when discharging this offence to help them to ascertain whether an individual is covering their face with the intention of hiding their identity or for another reason outside of those already accounted for in the design of the offence.

Evidence on brain and childhood development demonstrates children's reasoning and critical-thinking skills continue to develop throughout adolescence and into early adulthood. Most children struggle to anticipate the consequences of their actions, plan ahead, or to judge the relative seriousness of a wrong. This can lead children to make poor, often impulsive, decisions. We are therefore concerned that this measure will criminalise children who may not understand the consequences of covering their face at a protest, or, in other settings.

(Clause 10): The creation of a new offence of possessing a knife or offensive weapon with intent to use it to cause harm.

Knife crime has a profound impact on children and communities and the YJB are committed to driving tangible solutions. The ripple effect of a single incident demands that prevention be our priority.

¹⁷ [Operation of Police Powers under the Terrorism Act 2000, quarterly update to December 2019 - GOV.UK](#)

¹⁸ [operation-police-powers-terrorism-dec2024-quarterly-tables.ods](#)

¹⁹ [Children Act 1989](#)

²⁰ [United Nations Convention on the Rights of the Child](#)

Understanding the complex and multifaceted nature of knife crime involving children is crucial. We must recognise that many children involved in such offences are victims themselves, requiring a nuanced response that addresses both their needs and their actions.

Evidence suggests that knife crime is driven by a combination of poverty, marginalisation, Adverse Childhood Experiences, trauma, fear, and victimisation, including exploitation.²¹ Statistics show that over three-quarters (78%) of children who carried a weapon were victims of violence in the past year. A third (32%) of children who carry a weapon say that they've had someone else threaten them with or use a weapon against them.²² A report by Manchester Metropolitan University²³ found that decisions to carry knives or other weapons appeared to be through feelings of 'fear of victimisation...humiliation and violation on the highest level'. Such feelings of fear are echoed in a report by the All-party parliamentary group on knife crime.²⁴

It is the YJB's view that legislating to create a new offence for possessing a knife will not tackle the root causes of knife carrying by children. We are also concerned that it may have unintended consequences, for example, disproportionate impact on children overall, but also disproportionate impact on children from minority backgrounds and/or children who are neurodivergent or those with special educational needs/disabilities (SEND).

Children

Although this offence is designed to apply equally across all age groups, data²⁵ from 2023 showed that knife possession was the most common offence among children. In the latest year, the vast majority (99.7%) of knife or offensive weapon offences committed by children were possession offences and the remaining 0.1% were threatening with a knife or offensive weapon offences²⁶. Therefore, the YJB believe it is likely that this measure will disproportionately impact children and in doing so specific groups of children.

Children from minority backgrounds

Black children continue to be one of the most overrepresented groups compared to the proportion of Black children in the 10-17 population across most stages of the youth justice system¹: Black children account for 6% of the general population, but 19% of stop and searches, 8% of all arrests of children, 15% of first time entrants to the criminal justice system, 11% of children cautioned or sentenced, and 24% of children in custody in 2023-24.

Black children and young people are disproportionately likely to be involved in violence. Relative to their share of the population, Black children and young people are 6 times as likely to be victims of homicide. They are also 5 times more likely to be sentenced to custody for homicide and are more likely to self-report being involved in assault both as victims and perpetrators.²⁷ However, there are multiple complex drivers behind this²⁸, such as;

- **Childhood vulnerability:** Children from ethnic minority groups are more likely to grow up with multiple disadvantages that increase the likelihood of involvement in violence both as victims and perpetrators, for example: low income, higher risks of extra-familial

²¹ [HMI Probation \(2021\) Serious youth violence and its relationship with adverse childhood experiences](#)

²² [All-Party Parliamentary Group on Knife Crime \(2019, "There is no protection on the streets, none"\)](#)

²³ [Serious-Youth-Violence-Report-MCYS.pdf](#)

²⁴ [All-Party Parliamentary Group on Knife Crime \(2019, "There is no protection on the streets, none"\)](#)

²⁵ [MoJ, Knife and Offensive Weapon Sentencing Statistics Year ending Q4 2023, Main Tables](#)

²⁶ [Youth Justice Statistics: 2023 to 2024 - GOV.UK](#)

²⁷ [Youth Endowment Fund \(2025\) Racial disproportionality in violence affecting children and young people. Five steps for the new government](#)

²⁸ [Ibid](#)

harm, and Adverse Childhood Experiences such as witnessing violence in the home, parental substance misuse, and parental mental ill-health.

- **Access to support:** Children from some groups are less likely to be diverted from the criminal justice system, and less likely to get early or appropriate preventative services, such as psychological therapy or family support. If they are a victim of violence, Black children are less likely to tell the police.

- **Systems:** Bias and racism have been identified in recent HM Inspectorate reports, and public reviews of the criminal justice system.²⁹

We know that when adverse childhood experiences (ACEs), positive childhood experiences (PCEs), and socioeconomic characteristics are controlled for, there is no difference in the rates of violent crime perpetrated by children by ethnicity. Addressing ACEs, ensuring positive childhood experiences, and addressing socioeconomic inequality therefore must take place to reduce overall offending by children, knife crime, serious violence and ethnic disproportionality in youth justice.

The YJB is concerned that the Government's Equality Impact Assessment (EIA)³⁰ for the Bill identifies that this measure will indirectly discriminate against black males but concludes that 'if any disproportionate impact on the basis of race occurs from the proper operationalisation of the policy, such impact is expected to be objectively justified.' The YJB would strongly advise against pursuing policy that we know will further exacerbate disproportionate outcomes based on race, particularly when this is something the criminal justice system has prioritised improving for many years.

Children who are neurodivergent or have additional learning needs

Evidence suggests a link between Special Educational Needs and Disabilities (SEND) and increased vulnerability to exploitation and serious violence involving children. This includes children with both diagnosed and undiagnosed Special Educational Needs.³¹ Unfortunately, the EIA does not examine this clause through the lens of disability, so it is unclear whether the government are aware of the potential impact that this clause could have on this cohort.

Instead of legislating to create new offences to tackle knife crime, the YJB would advocate for more of a focus on evidence-based measures to tackle knife crime and serious violence. We champion early intervention and diversionary approaches, as evidence³² clearly demonstrates their effectiveness in preventing reoffending and reducing the risk of violence. As above, there needs to be cross-government commitment to tackle the early childhood vulnerability, as well as a focus on equitable access to early intervention and diversion as the cornerstone of preventing serious violence. Partnership approaches are critical, with safeguarding at their heart, with active engagement from both universal and criminal justice services.

Finally, we would also like to seek clarity on how the police would prove intent to cause harm. We are concerned that this new offence would risk up-tariffing children from possession of a knife to possession with an intent to cause harm, which again, would risk further criminalising children, rather than addressing the root cause of their behaviour.

(Clauses 18 to 31 and schedule 4): establishment of child criminal exploitation prevention orders, which could be imposed by a court with prohibitions and positive requirements aimed at stopping an adult criminally exploiting children.

²⁹ Youth Endowment Fund (2025) Racial disproportionality in violence affecting children and young people. Five steps for the new government

³⁰ [EIA](#)

³¹ Centre for Justice Innovation How is youth diversion working for children with special educational needs and disabilities?

The YJB welcomes measures to protect children who have been victims of child criminal exploitation (CCE) from adults.

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