



Home Office

# Knife Crime Prevention Orders

Guidance

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# 1. Introduction

## 1.1 Background

On 9 April 2018, the Government published the Serious Violence Strategy setting out the Government's response to increases in knife crime, gun crime and homicides. The Strategy represented a step change in the way we think and respond to serious violence. It stresses the importance of early intervention to tackle the root causes of serious violence and provide young people with the skills and resilience to lead productive lives free from violence. It is important that those who commit violent crimes receive appropriate, proportionate and robust sentences, but our approach is not focused solely on law enforcement but requires a multi-agency approach across a number of sectors such as education, health, social services, housing, youth services, victim services and others. This is why we launched our consultation on a new legal duty to ensure public bodies work together to prevent and tackle serious violence. The consultation closed on 28 May and on 15 July 2019 the Government response was published which indicated that we will bring forward legislation to create a new duty on agencies and bodies to collaborate and plan, where possible through existing partnership structures, to prevent and reduce serious violence.

The Offensive Weapons Act 2019 is an important part of the action the Government is taking to address the increase in serious violence. The Act received Royal Assent on 16 May 2019 and includes provisions that will help to tackle knife crime, attacks involving the use of acids and other corrosive substances, and the misuse of firearms.

The Act also introduces Knife Crime Prevention Order (KCPOs). These new preventative civil Orders will be an additional tool that the police will be able to use to work with young people and others to encourage them to help steer them away from knife crime and serious violence.

KCPOs will help to divert those who may be carrying knives, or who are at greatest risk of being drawn into serious violence, away from being involved in knife crime. They will also help to prevent others who have been involved in knife crime from further offending when used following a conviction.

The intention is that KCPOs will be preventative rather than punitive – to help prevent knife crime, by using positive requirements to help steer the individual away from serious violence, by addressing factors in their lives that may increase the chances of offending, alongside measures to prohibit certain activities, or introduce geographical restrictions and curfews to help prevent future offences.

## 1.2 Terminology

The following terminology is used throughout this guidance;

- KCPO – Knife Crime Prevention Order.
- Applicant – The authority applying for the KCPO, which for KCPOs ‘other than on conviction’ will be the relevant police force in England and Wales (including British Transport police and Ministry of Defence Police) or for KCPOs ‘on conviction’ will be the Crown Prosecution Service.
- Defendant – The individual who is the recipient or potential recipient of the KCPO and who is aged 12 or over.
- The Court – When only referring to ‘the court’ this shall be a reference to the Magistrates Court. Any other court, such as Crown Court will be specified in the text.
- A child- for the purposes of this guidance, means a person aged 12 or over who is under the age of 18.

## 1.3 Purpose of Guidance

The Offensive Weapons Act 2019 allows the Secretary of State to issue guidance relating to “the exercise by a relevant person of functions in relation to knife crime prevention orders and interim knife crime prevention orders”. A “relevant person’ is detailed as “a person who is capable of making an application for a knife crime prevention order or an interim knife crime prevention order”. This guidance is therefore primarily intended to be used by the relevant authorities who can apply for a KCPO, namely the Police and the Crown Prosecution Service. The guidance will also be of interest to the Judiciary.

KCPOs will require a multi-agency approach. The police are expected to work with relevant organisations and community groups to support those who have been issued with a KCPO to steer away from crime. All will have a role to play to ensure that KCPOs are the preventative tool that they are intended to be. This guidance is therefore also aimed at those who are involved in the management and review of KCPOs.

## 2. Application

### 2.1 KCPO made on conviction

A KCPO may be made by any court dealing with the defendant (e.g. a Crown Court, Magistrates Court or youth court).

Section 19 of the Offensive Weapons Act 2019 sets out the conditions that must be met for the court to make a KCPO on conviction.

- Firstly, the court must be satisfied, on the balance of probabilities (the civil standard of proof) that the defendant has committed an offence. This offence must be a relevant offence; that is, that it is an offence involving violence (or the threat of violence) or where a bladed article was used or carried by the defendant or any other person in the commission of the offence. A bladed article is an article to which section 139 of the Criminal Justice Act 1988 applies. The conviction to which the KCPO is related to must post-date the coming into force of the Act which occurs because of an offence which was committed in an area where section 19 is in force.
- Secondly, an application must have been made by the prosecution. The court may not make an order on its own volition. The application would normally be supported by evidence from the police.
- Thirdly, the court is required to consider that it is necessary to make the order to protect the public generally, or particular persons (including the defendant) from the risk of physical or psychological harm involving a bladed article, or to prevent the defendant from committing an offence involving a bladed article.

When the CPS apply for an order, they will need to identify which conditions are sought and the evidence in support of them. That evidence does not need to be provided according to the strict rules of criminal evidence and the application may rely on the facts of the case for which the defendant has been convicted. The purpose of the order is to prohibit or require the defendant to do anything described in the order for these protective purposes.

### CPS responsibilities

- For applications on conviction, the CPS will review the case in conjunction with the police and decide whether and how to proceed with the application in the light of the circumstances of the particular case. Where the defendant is under-18, the police must obtain and provide the views of the local Youth Offending Team to the CPS in order to assist with the review process.

- The CPS will ensure that the defendant and court are aware of the application to be made at, or before, the first hearing after receipt of the application from the police.
- The CPS will serve the application on defence and court, copying in the police.
- The CPS will make an application or seek an adjournment to make an application as appropriate upon conviction.
- The CPS will consult with the police wherever possible, particularly around substantial amendments. The CPS review will ensure that only conditions which are necessary and proportionate are sought, and only where there is evidence in support of them

## 2.2 Other than on conviction

Courts also have the power to make KCPOs in cases other than on conviction. A KCPO may be made in respect of any person who is over the age of 12. Where the intended recipient is an adult, the application must be made to the magistrates' court, and where the intended recipient is under-18, to the Youth Court.

Section 14 of the Offensive Weapons Act 2019 sets out the conditions that must be met for the court to make a KCPO other than on conviction:

- Firstly, the court must be satisfied that an application has been made in accordance with section 15 of the Offensive Weapons Act 2019. The application is made by complaint. The time limits imposed by section 127 of the Magistrates Courts Act 1980 do not apply to such a complaint.
- Secondly, the court must be satisfied, on the balance of probabilities (the civil standard of proof, that the person has, on at least two occasions in the relevant period, had a bladed article with them in a public place, on school premises or on further education premises without good reason or lawful authority. A bladed article is an article to which section 139 of the Criminal Justice Act 1988 applies and the relevant period is two years preceding the date on which the order is made.
- Thirdly, it is a requirement for the court to consider it necessary to make the order to protect the public generally, or particular persons (including the defendant) from risk of physical or psychological harm involving a bladed article or to prevent the defendant from committing an offence involving a bladed article.

## 2.3 Requirements for a KCPO application

An application may be made by the chief officer of police of the area where the defendant lives or where, in the view of the applicant authority, the defendant is intending to be or to travel to. The chief officer of the relevant police force must make the application to the court acting for their local justice area. The chief constable of the British Transport Police and the chief constable of the Ministry of Defence Police may also make an application.

## 2.4 Without Notice

Whilst an application for a KCPO will normally be made following the giving of notice to the defendant, the law also enables the applicant to make an application for a KCPO without giving such notice. Without notice applications should be made only in exceptional or urgent circumstances and the applicant would need to produce evidence to the court as to why a without notice application is necessary.

Where a without notice application is made, the court would be able to grant an interim KCPO pending a full hearing following the giving of notice to the defendant. The applicant is not required to comply with the YOT consultation requirement, that being where the applicant is a child, the provision of the views of the local YOT to the CPS before making such an application. An interim KCPO is temporary and one of the conditions for making it, is that the hearing for the KCPO is adjourned. The requirement to consult the YOT will apply before the full hearing of the KCPO.

## 2.5 Interim KCPO without notice

The court has a power to grant an interim KCPO where it adjourns the hearing of an application for a KCPO which has been made without notice. This would usually occur where a without notice hearing has been sought to prevent imminent harm or absconding. An adjournment may be necessary to enable further information to be gathered ahead of a full hearing and will be necessary to enable the defendant to attend a full hearing.

The court can only grant an interim KCPO on a without notice application when the court considers it necessary to do so. Such an order may impose such prohibitions as may be imposed with a full KCPO (and as the court considers necessary) but the order may not impose any of the requirements which may be imposed by a KCPO under section 14 (KCPO made otherwise than on conviction).



## 2.6 Interim KCPO application not determined

The court has a power to grant an interim KCPO where it adjourns a hearing of which the defendant has been given notice. The court may grant an interim KCPO if an application has also been made for an interim KCPO (either at the same time as the full application or subsequently) and the court considers that it is just to make such an order. So, for example, the court may make an interim order in a situation where it is satisfied it is necessary for the purpose of protecting a person from immediate harm pending the full determination of the application for the order.

An interim KCPO granted as the result of the adjournment of an on-notice hearing may include any prohibition or requirement that the court has the power to include in a full KCPO and which the court thinks are appropriate in the circumstances applying. The Offensive Weapons Act 2019 disapplies the time limits imposed by section 127 of the Magistrates Courts Act 1980 in respect of complaints made under this section.

## 2.7 Applying for a KCPO against a defendant aged under 18

A Youth Court may make a KCPO in respect of any person aged under 18 provided that the person is no younger than 12 years of age. The application should be supported by a record of the contact with the relevant Youth Offending Team, setting out their views and that their support regarding the KCPO has been sought.

Section 15 of the Offensive Weapons Act 2019 requires the applicant to consult with the relevant Youth Offending Team before making an application, if the KCPO is relates to a person under the age of 18. The consultation is an important opportunity for the views of the Youth Offending Team to be taken into consideration. As it is a requirement for the applicant to consult with the relevant Youth Offending Team, it is expected that, as good practice, the police and the Crown Prosecution Service would share with the court the outcome of the consultation at the hearing. The police and the CPS may want to consider including the Youth Offending Team's report in the evidence bundle in anticipation of the court wishing to see it.

Applicants should have regard to the following general principles when considering a KCPO is made in relation to a person under 18:

- the duty imposed by section 11 of the Children Act 2004 on local authorities, the police and others to make arrangements to ensure that, in discharging their functions, they have regard to the need to safeguard and promote the welfare of children;

- KCPOs should be sought only where the applicant believes that the defendant under 18 is routinely carrying knives in public and is therefore at risk of engaging in, or becoming a victim of, knife crime. There are clear child protection processes to follow when significant harm or the risk of significant harm has been identified. Local children's services, who have legal responsibilities for safeguarding and child protection, should be involved in discussions regarding a potential KCPO for a person under 18. Local children's services will be able to advise on what action it would be appropriate to take to ensure the safety of the young person and to protect them from significant harm;
- applicants should have regard to the appropriate guidance in respect of safeguarding processes. Consideration will need to be given to 'Working Together to Safeguard Children', the Statutory guidance on inter-agency working to safeguard and promote the welfare of children. Close partnership working and shared intelligence between local authority children's social care, law enforcement and public protection agencies will be vital to achieve the right balance of support and criminal justice response, whilst safeguarding the child's welfare;
- there are a range of factors that increase the risk of a young person becoming involved in knife crime, and a number of agencies that can identify these risk factors and provide the appropriate interventions. Whereas the Youth Offending Team is a statutory consultation partner, is well placed, and has the tools to undertake holistic assessments (including around risk and vulnerability) they are not the only agency that can assist the police to identify risk factors. In addition to the Youth Offending Team, the police are expected to determine on a case by case basis what other agencies may assist. For example, local community groups or bodies could provide appropriate information on risk factors and interventions, particularly if they are working with, or have worked, with the young person who is subject to the order. Schools, local education services and children's services may also be able to assist the police in this context;
- comprehensive assessment tools, information sharing, and agreed referral arrangements are important to ensure that young people get the support they need. A KCPO should be seen as a tool within a wider partnership approach to managing the risk of knife crime amongst under 18s;
- where appropriate, applicants should work closely with the young person's family or carers, from the earliest possible stage, to ensure parental/carer support. Evidence suggests that where parents or carers are supportive, interventions are more likely to succeed.

## 2.8 Documents to be provided to the court

In applying for a KCPO, the applicant authority will need to complete the KCPO application form. This form should be completed by the lead individual in charge of the case and filed at the court.

## 2.9 Fee to be paid

Please refer to the current Fees Order(s) for details of the application fees. The fee is paid to commence proceedings. No other payment is required.

# 3. Provisions of a KCPO

The nature of any prohibition or requirement included in a KCPO or interim KCPO is a matter for the court to determine. However, a court may only include prohibitions or requirements which it is satisfied are necessary for the purpose of protecting the public generally, or particular persons, from the risk of physical or psychological harm involving a bladed article or to prevent the defendant from committing an offence involving a bladed article.

## 3.1 Prohibitions

The Offensive Weapons Act 2019 sets out a list of possible requirements that can be imposed by a KCPO, including a curfew, presenting oneself as required during a curfew and participation in activities. The Act also lists possible effects of prohibitions, such as;

- an exclusion zone,
- non-association with other individuals,
- non-participation in particular activities,
- being in a particular place between particular times on any given day or days,
- preventing the defendant from using or having particular articles
- or preventing the defendant from using the internet to facilitate or encourage crime involving bladed articles.

An order may include exceptions to such prohibitions. The Act also makes it clear that these lists of prohibitive or restrictive effects are non-exhaustive and the Court may decide on other suitable provisions on a case by case basis. Care must be

taken that prohibitions or requirements avoid conflict with religious beliefs of the defendant, their work or educational commitments.

### 3.2 Positive Requirements

The intention is that KCPOs should be preventative in approach, rather than punitive. Therefore, alongside the prohibitive provisions detailed in the order, it is expected that applicants apply for positive requirements that work towards this aim.

Applicants should think creatively and carefully about the positive requirements that they intend to propose. Applicants should ensure that the requirements are tailored to the individual circumstances of each case. This means taking into account specific characteristics such as ethnicity, gender or age that could require the involvement of specialist services. Applicants will need to be able to present clear evidence to the court showing that the positive requirements sought are available and appropriate for the defendant. The applicant for the KCPO can find information on the positive requirements locally from their Community Safety Partnership (CSP). In relation to applications in respect of defendants under 18, in addition to CSPs, local Child Protection Officers and Youth Offending Team will also be able to identify and propose positive requirements for defendants. These positive requirements can include those available from voluntary or charitable organisations as well as programmes provided by statutory agencies.

The availability and range of positive requirements will vary between local areas. Examples include:

- Educational courses – for both adults and under 18s
- Life skills programmes
- Sporting participation – such as membership of sporting clubs or participation in group sports.
- Awareness raising courses
- Targeted Intervention programmes
- Relationship counselling
- Drug rehabilitation programmes
- Anger management classes
- Mentoring organisations

### 3.3 Supervision and Compliance

Section 22 of the Offensive Weapons Act makes further provision in relation to requirements imposed under a KCPO or interim KCPO.

Where a KCPO or interim KCPO imposes a requirement on a defendant, that order must specify the person (an individual or an organisation) who is to be responsible for supervising the defendant's compliance with the requirement. The court must receive evidence on the suitability and enforceability of the requirement from this person. The Act also requires that, before imposing two or more requirements, a court must consider the compatibility of those requirements.

It is the duty of the specified person to make any necessary arrangements in connection with the requirement. The specified person is also best placed to promote the defendant's compliance and to help the defendant meet the requirements imposed in the KCPO. It is also the responsibility of the specified person to notify the appropriate chief officer of police that the defendant has complied with all of the relevant requirements in the KCPO or, should it be the case, that the defendant has failed to comply. The defendant is responsible for maintaining contact with the specified person and must inform them of any change of address.

As indicated above, the specified person may be an individual or an organisation. The person could be a police officer dealing with the case, a member of the local Youth Offending Team or a youth worker. It could also be a person who was running a knife crime prevention course at which the defendant is attending as part of the requirement of that KCPO and who is in a position to monitor attendance and progress of the individual concerned and who would also be able to notify the police if the defendant failed to comply with all relevant requirements or a relevant requirement set out in the order.

## 4. Duration of a KCPO

### 4.1 KCPO Duration

Generally, a KCPO or interim KCPO will take effect on the day it is made. However, an interim KCPO made without notice will not take effect until it is served. A KCPO or interim KCPO made in respect of a defendant in custody, who is subject to a custodial sentence or who is on licence, takes effect when the defendant is released from custody, ceases to be subject to the custodial sentence or ceases to be on licence.

An interim KCPO ceases to have effect once the main application is determined or the order is otherwise varied, renewed or discharged. A KCPO must specify its duration and must last for a fixed period of at least 6 months but no more than 2 years. The prohibitions and requirements specified in a KCPO or interim KCPO may each have different duration.

## 5. Service of a KCPO

### 5.1 Serving the KCPO on the defendant

Once a KCPO has been made, it must be served on the defendant, unless the court orders otherwise. If the applicant obtains the KCPO at a hearing where the defendant is present, they should consider asking the court to order that the defendant remain on the court premises until the defendant is served with the KCPO.

It is essential that the defendant understands the nature and precise details of the terms and the specific provisions of their KCPO and that the terms are explained in ordinary language. This may include, for example, providing the defendant with a map showing any exclusion zones that are referenced in their order.

Where a defendant has not been served personally with the KCPO at the court, applicants will be responsible for arranging personal service as soon as possible thereafter.

When serving a KCPO on a defendant under 18, the applicant must comply with any directions given to them under the terms of the court order relating to service in the presence of a responsible adult/appropriate adult. An appropriate adult may, for example, be a parent, guardian, local authority social worker, someone from a voluntary organisation or some other responsible adult aged 18 or over who is not a police officer or employed by the police. Normal Youth Offending Team arrangements to provide appropriate adults for young people in police custody should apply.

## 6. Notification

### 6.1 Notification requirements

Upon the making of the order, the person subject to a KCPO or an interim KCPO must notify the police, within three days, of their name(s) and address. Where the KCPO replaces an interim KCPO, this requirement does not apply.

The person subject to a KCPO or an interim KCPO notification is also required to notify the police, within three days, of any subsequent changes to this information; specifically, the use of a new name, a change to their home address or an address at which they will live for one month or more. Notification is to be given in person by attending at a police station in the police area in which the defendant lives or by giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.

## 6.2 Offences relating to notification

It is an offence for a person subject to a KCPO or interim KCPO to fail, without reasonable excuse, to comply with the notification requirements in section 24 or to notify the police of false information. The standard of proof is the criminal standard (beyond reasonable doubt).

The maximum penalty for a breach is six months imprisonment or a fine or both on summary conviction, or two years imprisonment or a fine or both following conviction on indictment.

The person commits an offence on the first day on which they fail to notify and continue to commit the offence for the duration of the continued failure but may be prosecuted only once in respect of the same offence.

The maximum term of imprisonment on summary conviction will increase to twelve months in relation to offences committed after the coming into force of section 154(1) of the Criminal Justice Act 2003.

## 7. Review

### 7.1 Review hearings

The court has the power to specify the date and frequency of review hearings which the applicant and defendant must attend. The purpose of review hearings is primarily to consider whether the KCPO should be varied or discharged.

The court is required to set a review hearing if any prohibition or requirement of a KCPO is to take effect after the end of the period of 1 year beginning with the day on which the KCPO took effect. The review hearing must be held within the last four weeks of the one-year period. The court can hold a review hearing when it considers it would be appropriate, so could hold one well before the one-year time limit for a review.

During review hearings a court may impose an additional prohibition or requirement by variation if it is satisfied it is necessary to do so to protect the public generally or a particular person, from harm involving a bladed article or to prevent the defendant from committing an offence involving a bladed article. A review hearing may consider whether the KCPO should be discharged or a prohibition or requirement removed.

For KCPOs given to individuals aged under 18, reviews should not be left until the 12-month minimum review period. The younger the defendant, the more frequent the reviews by the court should be.

## 7.2 Variation

Under section 27 of the Offensive Weapons Act 2019 a court may also vary, renew or a discharge a KCPO or interim KCPO upon application by the person subject to the order or the police (including the British Transport Police and Ministry of Defence Police). The application must be made to the appropriate court. This provision ensures that the order can be modified to reflect changing circumstances, both to ensure that it remains effective to manage the risk posed by activities related to knife crime and that the order remains necessary for that purpose.

Where the defendant is under 18, the relevant Youth Offending Team must be consulted before an application under section 27 is made (otherwise than by the individual themselves). The applicant authority, which could include the defendant, and the defendant if not the applicant authority, has a right to be heard by the court.

A renewal or variation may take a number of forms, including the addition of a new prohibition or requirement or the removal of an existing one. However, the court must be satisfied that such additional prohibition or requirement is necessary to protect the public generally, or particular persons from risk of harm involving a bladed article or to prevent offending involving a bladed article.

## 7.3 Discharge

A KCPO will only be issued where there is good reason, in that those subject to a KCPO will have been considered to be at risk of being involved in violent knife crime. It is open to the police or the defendant to apply to discharge an order before it expires if they are satisfied that the order is no longer necessary to address the risk posed.

Section 27(10) of the Act prevents the court from discharging an order before the end of six months from the day on which it was made without the consent of the defendant and the appropriate chief officer of police. The chief officer of police required to give consent depends on which party made the application for the order to be discharged, and if it was not made by a but a chief officer of police had applied for the order originally, that chief officer and the chief officer for police for the area in which the defendant lives. If the defendant lives in more than one area, then each chief officer is required to give consent for the order to be discharged. Where the application for the discharge, variation or renewal of the KCPO has not been made



by the chief officer of police and the defendant lives in England and Wales, the chief officer of police in the area in which the defendant lives.

## 8. Appeals

### 8.1 Rights of appeal

Where a KCPO or an interim KCPO is made otherwise than on conviction, the applicant authority or the defendant may appeal against the making of the order, or refusal to make such an order, to the Crown Court.

Where a KCPO is made on conviction, the defendant may appeal against the making of the order as if the order were a sentence passed on the defendant for the offence.

A person may appeal against a decision to vary, renew or discharge an order, or a refusal to do so, to the Crown Court or, where the application was made to the Crown Court, to the Court of Appeal.

In determining an appeal, the Crown court may make such orders as may be necessary to give effect to its determination of the appeal and such incidental and consequential orders as appears to it to be appropriate.

## 9. Breaches

### 9.1 Offences

It is an offence for a person to breach a KCPO or interim KCPO; that is, to do anything which is prohibited by, or fail to do anything which is required by the order without reasonable excuse. The court must be satisfied beyond reasonable doubt the defendant has, without reasonable excuse, breached the order.

It will be at the discretion of the police to decide what action to take when a breach occurs. For example, the police will wish to consider whether the behaviour constitutes a major or more minor breach of the order. It will then be up to the Crown Prosecution Service to consider whether there is enough evidence against the defendant for a realistic prospect of conviction and whether it is in the public interest to prosecute. Whilst this will vary from case to case, factors such as the seriousness of the breach, the harm caused, the proportionality of prosecution and the progress that the defendant is making may all be considered. Consideration will also be given to repeated minor breaches in the same manner as a serious breach, given the undermining impact on the purpose of the order. A defendant who had a reasonable

excuse for any failure to comply with a prohibition or requirement imposed by an order will not have committed an offence. Prosecution does not automatically have to take place where the evidential test is deemed to have been met, as it may not be in the public interest to do so based on the seriousness of the breach. Prosecutors may advise on out-of-court disposals as an alternative to prosecution.

## 9.2 Sentencing

The maximum penalty for a breach is six months imprisonment or a fine or both on summary conviction, or two years imprisonment, a fine or both, following conviction on indictment. Section 29(4) prevents the court from making an order for a conditional discharge following a conviction for an offence in this section.

In considering appropriate sentences for defendants under 18, the court will of course follow the sentencing guidelines set out by the Sentencing Council. The court must have regard to the principal aim of the youth justice system, the prevention of offending by young people and children and the welfare of the child or young person.

The court will have the full range of community sentences available to them for consideration in respect of young people as they do with adults. The alternative options to a custodial sentence for those convicted of a breach include:

- Unpaid work – Community Payback
- Rehabilitation activity requirement (RAR) undertaking activities as instructed
- Undertaking a particular programme to help change offending behaviour
- Mental health treatment with the defendant's consent
- A drug rehabilitation requirement with the defendant's consent
- A drug treatment and testing order (DTTO)
- An alcohol treatment requirement with the defendant's consent
- An alcohol abstinence and monitoring requirement with the defendant's consent.

## 10. Territorial Extent

The territorial extent of KCPOs is England and Wales. Where a KCPO or interim KCPO has been made in respect of a defendant who travels to an area outside England and Wales, that person cannot breach a prohibition or fail to comply with a requirement in that order unless the order prohibits the defendant from travelling outside of England or Wales.

A defendant in respect of whom a KCPO or interim KCPO has been made is required to notify a change of their home address or an address where that person has decided to live for a period of one month or more and so would be required to notify the police of their new address. The KCPO will continue to have effect for the duration of the period specified in the order and the person in respect of whom it was made will be required to comply with the requirements and prohibitions imposed by it if that person returns to England or Wales.

## 11. Communication of the use of KCPOs

The applicant authority may wish to communicate that they are using, or are intending to use, KCPOs in the local area. Communicating this information may increase community confidence in the local response to knife crime, reassure the community that knife crime and knife possession can be reported safely, and act as a deterrent against young people choosing to carry knives. General information about KCPOs may be communicated through consultation partners, the local press and media, social media, or any other appropriate medium.

However, KCPOs proceedings in the Youth Court are subject to automatic reporting restrictions by virtue of section 49 of the Children and Young Persons Act 1933. Section 49 does allow certain matters to be reported in relation to a child or young person so long as this is not likely to lead members of the public to identify them as someone concerned in proceedings

## 12. Consideration of the public-sector equality duty

Applicants must also remember that, in accordance with section 149 of The Equality Act 2010, all considerations and decisions in relation to applications for KCPOs should be made with due regard to the need to eliminate discrimination, harassment and victimisation, and advance equality of opportunity regardless of factors such as age, disability, gender, race, religion or belief or sexual orientation.

## 13. Pilot

Section 31 of the Offensive Weapons Act 2019 makes provision for two conditions which must be met before KCPOs can be brought into force across the whole of England and Wales:

- firstly, the KCPO provisions must be piloted in one or more area in England and Wales for one or more specified purposes; and
- secondly, the Secretary of State must lay a report before Parliament on the operation of the pilot.

The purpose of piloting KCPOs pilot are to test and inform processes for the application of a KCPO. The pilot will provide useful data and feedback on the use and format of the documentation used in the application for an order as well as an opportunity to assess the prohibitions and requirements made in KCPOs and how well these have worked. The pilot will allow for a fuller understanding of the likely costs to be incurred once the orders are introduced in England and Wales.

This guidance will be reviewed in light of the findings of the pilot, to ensure that it is updated ahead of introduction of KCPOs across England and Wales.