



Home Office

# Consultation on Serious Violence Reduction Orders

## Summary of Consultation Responses and Conclusion

9 March 2021

## Serious Violence Reduction Orders

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## Home Secretary Foreword



Knife crime cuts short young lives, shatters families and creates fear in communities. I have met the parents of victims and seen first-hand the utter devastation and unimaginable grief they are forced to endure. No mother or father should have to go through that experience. We owe it to them, and all those who have lost loved ones to serious violence, to do everything in our power to

tackle this terrible scourge.

As Home Secretary, I have backed the police every step of the way in this effort. I have given them more powers and resources to go after criminals and take knives and other dangerous weapons off our streets, including through the recruitment of 20,000 additional officers.

But there is much more to do. Knife crime continues to be a serious problem. . Black and minority ethnic communities are disproportionately impacted, with data indicating that black individuals are more likely to be victims of serious violence and homicide. Recent studies show homicide victimisation rates since 2000 have been five times higher for black victims compared with white victims<sup>i</sup>, jumping to ten times higher for 16 to 24-year-olds<sup>ii</sup>. The most recent data from 2018 to 2019 shows the homicide risk for young black people was 24 times higher than that of young white people<sup>iii</sup>. While data to March 2020 showed rates for hospital admissions for assault with a sharp object were five times higher for black individuals compared to white individuals<sup>iv</sup>.

While these families and communities are suffering, we have a moral duty to act. That is why we will be introducing Serious Violence Reduction Orders (SVROs) in the Police, Crime, Sentencing and Courts (PCSC) Bill 2021.

We know the police see stop and search as a vital tool to crack down on violent crime, and we have already made it easier for forces to use existing powers. However, too many criminals who carry knives and weapons go on to offend time and again, and Serious Violence Reduction Orders aim to help end that cycle.

They will enable police to take a more proactive approach and better target those already convicted of certain knife or offensive weapons offences. They can also provide an important deterrent effect by increasing the risk of getting caught.

The orders will be supported by the Government's wide-ranging action to reduce serious violence. We know that tough law enforcement is just one part of the solution and we are investing in a co-ordinated, local approach to turn the tide. This includes

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our network of Violence Reduction Units, which are implementing a local whole system approach to tackling violence and we will also be piloting Knife Crime Prevention Orders and introducing a new legal duty on local areas to prevent serious violence together. Before any child or young person picks up a knife or weapon, there are opportunities to intervene and we must capitalise on them.

Above all, this is about saving lives. As Home Secretary, my number one priority is the safety and security of our citizens. Every time someone carries a knife or weapon, they risk ruining their own and others' lives. Every stabbing leaves a trail of misery. When it comes to tackling this issue, the public want action. They want their communities to be safer. We have heard that message loud and clear, and I am absolutely determined to ensure we leave no stone unturned in our mission to prevent more bloodshed and loss of life.



**Rt Hon Priti Patel MP**  
**Home Secretary**

## Summary of consultation responses

1. On 14 September 2020, the Home Office launched a consultation on Serious Violence Reduction Orders (SVROs), a new court order to help save lives and reduce serious violence by seeking to change the behaviour of known knife and weapon carriers. The consultation aimed to gauge the views of the public, police, charities and other organisations on the design of these orders.
2. The consultation was open to the public. We made use of a number of different media to encourage as many people as possible to make their views known. We wrote to over 100 organisations directly inviting them to provide input and held a number of stakeholder engagement events inviting views from various experts and practitioners.
3. The Government has now analysed the responses, which are summarised in this document. The majority of responses (approximately 77%) were supportive of the orders, in particular members of the public who felt that this power was needed to help reduce weapon carrying by supporting the police to tackle known weapon carriers, thereby saving lives and making communities safer. Some responses also pointed out the importance of ensuring that SVROs are properly used and recognising the potential impact on communities, and provided advice about how the orders could be implemented.
4. Following detailed consideration of the responses and engagement with key stakeholders during the consultation period, the Government has developed a number of proposals for Serious Violence Reduction Orders, which will be introduced as part of the Police, Crime, Sentencing and Courts (PCSC) Bill on the basis of a targeted pilot.
5. The consultation asked for views on the following proposals and questions:
  - The Government thinks that the best way to make it easier for the police to stop and search known knife carriers is to create a new court order, the Serious Violence Reduction Order (SVRO). Do you agree?
  - When should the court have the power to give someone an SVRO?
  - Should an SVRO be made automatically on conviction?
  - Should SVROs apply to only adults?
  - How long should an SVRO last?
  - Should we create a separate criminal offence of breach of an SVRO?

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- Do you have any comments on how the police should use SVROs in practice?
  - Do you have any comments about the way in which SVROs might impact on communities?
  - Do you have any comments about the proposals in this consultation in relation to impact on protected characteristics under the Equality Act 2010?
6. The total number of responses received was 549. Not all responses answered all questions.
7. People could respond to the consultation either via an online survey through gov.uk or by e-mail to the SVRO Consultation mailbox. The vast majority of the responses from members of the public were received online, whereas the majority of community and civil rights groups, police forces and legal and criminal justice practitioners responded by email.
8. The breakdown of the number of responses received by each medium is:
- Online Survey: 476 (87%)
  - Email: 73 (13%)
9. Of the total 549 responses, approximately 12% were submitted on behalf of organisations, with the remainder submitted by individuals, including practitioners responding in their individual capacity.
10. Responses were received from across the UK, and of those recorded, approximately 60% were from respondents in England, with the remainder from Scotland and Wales.
11. Several key themes were raised in the responses, including:
- **Enhanced Police Powers:** The majority of respondents, mostly members of the public, noted the importance of giving the police the appropriate powers to tackle violent crime. Many suggested that SVROs could act as an effective deterrent and that more targeted stop and search could result in the most serious offenders being caught and the increased risk of detection would help deter others from carrying weapons.
  - **Community Safety:** Some respondents stressed the importance of SVROs in making communities safer. It was suggested that communities would feel reassured and safer in the knowledge that the police were continuing to prioritise tackling violent crime.

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- **Effective scrutiny and oversight:** Respondents, in particular practitioners, stressed the importance of being completely transparent about how SVROs were being used, to reassure communities that the orders are being used proportionately, and noted that their implementation should be subject to robust monitoring. Some noted the importance of community engagement by the police when implementing SVROs.
- **Impact on rehabilitation.** Some respondents supported the new orders in the context of a wider package of rehabilitation, while others offered views on the orders potentially prolonging the criminalisation of individuals and not addressing the systematic issues around knife carrying.
- **Risk of displacement:** Some responses noted the possible 'displacement effect' of adults passing their weapons to others (particularly children) if subject to an SVRO.
- **Disproportionality and the impact on Black, Asian and Minority Ethnic (BAME) people:** Many respondents raised concerns about the possible disproportionality of the orders, in particular concerning the potential impact on BAME groups and individuals.

12. These themes are explored in further detail in the following sections that consider the responses to each of the proposals in the Government's consultation.

13. The Government is grateful for all of the responses received and took careful consideration of the views and evidence provided. The responses have informed the proposed model to be introduced as part of the Police, Crime, Sentencing and Courts (PCSC) Bill.

14. We will continue to engage communities and key partners as we develop the pilot for SVROs to ensure that feedback is reflected in its design and implementation.

## Responses to the proposals

**Question 1: The Government thinks that the best way to make it easier for the police to stop and search known knife carriers is to create a new court order, the Serious Violence Reduction Order. Do you agree?**

15. We asked respondents to consider whether a new order should be created or, instead, existing powers or orders could be amended to achieve our aim of making it easier for the police to stop and search known knife carriers. The following powers and orders were suggested as possible options:
- A. Yes.
  - B. No, Section 1 of the Police and Criminal Evidence Act (PACE) 1984;
  - C. No, Section 60 of the Criminal Justice and Public Order Act (CJPO) 1994;
  - D. No, Criminal Behaviour Orders (CBOs) introduced by the Anti-social Behaviour, Crime and Policing Act 2014;
  - E. No, Knife Crime Prevention Orders (KCPOs) introduced by the Offensive Weapons Act 2019.
16. The Government's position is that the best way to make it easier for the police to stop and search known knife carriers is to create a new court order, the SVRO, and so our preferred option is option A.
17. Of those who responded online to this question (459 respondents), **the majority (77.8%) agreed that a new order should be created**. 8.3% said that section 1 of PACE should be amended; 2.6% thought that section 60 of the CJPO Act should be amended; 2.4% said that CBOs should be amended; and 8.9% said that KCPOs should be amended instead.
18. Of those who responded by email (73 respondents), approximately 44% of respondents did not choose one of the proposals and instead opposed the introduction of SVROs. Approximately 20% of **respondents agreed that the best way to make it easier for the police to stop and search known knife carriers is to create SVROs**. Approximately 1% of respondents said Section 1 of the Police and Criminal Evidence Act 1984 should be amended. Approximately 1% of respondents said Section 60 of the Criminal Justice and Public Order Act 1994 should be amended and Approximately 3% of respondents said Knife Crime Prevention Orders should be amended. Approximately 1% of respondents said that

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both section 1 of PACE 1984 and KCPOs should be amended. Approximately 28% of respondents did not answer the question.

19. Many of the responses in support of introducing SVROs, in particular those from members of the public, suggested that this power was needed to help the police tackle known weapon carriers, thereby saving lives and making communities safer. Some suggested that SVROs could have a significant impact on communities if used as part of a longer-term approach to tackling knife crime.
20. Some attendees at our engagement events expressed similar views and welcomed the legislation as a way of reassuring the community that the most persistent offenders were being targeted effectively by the police and criminal justice system. We spoke directly to one practitioner that works with families who have lost children to serious violence, who was in favour of giving the police greater powers.
21. Those who opposed introducing SVROs, in particular those from the community and voluntary organisations that responded, raised concerns that an additional order of this kind could be counter-productive in an offender's rehabilitation, emphasising that police powers alone cannot reduce serious violence and positive engagement is key to diverting individuals from further offending.
22. Many responses raised concerns that Black and minority ethnic (BAME) groups could be disproportionately affected by the new orders. A number of community organisations expressed the view that SVROs could increase existing disparities in the criminal justice system with some suggesting that disproportionality in the application of current stop and search powers must first be addressed.
23. A number of police forces who responded to the consultation noted the potential risk that these orders could be applied disproportionately to BAME individuals. Some forces suggested that a pilot and evaluation should be used to test necessity and the impact on BAME groups and individuals in particular.
24. There was agreement among most respondents that positive engagement with communities, transparency and monitoring are key when enforcing any stop and search power.

## **Government Response**

25. The Government agrees that we should create a new order to help save lives and reduce serious violence, and intends that the SVRO will do so by helping to change the behaviour of known knife and weapon carriers through the deterrent of an increased risk of detection, and supported by our wider efforts in relation to reducing serious violence.
26. Providing a stop and search power within Criminal Behaviour Orders would result in a much wider array of criminal behaviour being targeted, beyond relevant offences

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involving the carriage or use of weapons, and it may not be proportionate or necessary in all the circumstances for which a CBO could be applied for the police to have a specific stop and search power. Some respondents have suggested amending Knife Crime Prevention Orders (KCPOs). However, KCPOs do not require a conviction for a relevant offence, and provide diversionary action through positive requirements, and we consider it disproportionate to introduce a suspicionless stop and search power in the absence of a conviction. Our intention is that, following a conviction, consideration would be given as to whether it is necessary to grant an SVRO in conjunction with a KCPO.

27. The Government proposes to pilot SVROs in one or more police force areas to build an understanding of how the new orders can be used most effectively, as part of an area's wider efforts around violence reduction and crime reduction. This would enable a decision to be made about the effectiveness and value of a future roll-out. The Government intends that SVROs should be used as part of an area's wider strategy around violence and crime, aimed at reducing serious violence, saving lives, and making communities safer.
28. The Government agrees that effective scrutiny and oversight is necessary to reassure communities that SVROs are being used appropriately and that their implementation should be subject to ongoing robust and transparent monitoring. We recognise that the application of any power to stop and search needs to be effectively monitored to ensure it is being appropriately used. At the same time as recognising the importance of understanding racial disparities in the use of powers to stop and search, we must also acknowledge that people from BAME backgrounds are disproportionately more likely to be a victim of violent crime and therefore could see a greater benefit from the policy.
29. The number of hospital admissions for assault by a sharp object increased by more than 20% between the year ending September 2014 and September 2020. There has been a recent year-on-year fall of about 10% between September 2019 and September 2020. Some of this is likely due to the Covid-19 lockdown effect, however hospital admissions had begun to fall before March.
30. Victims are disproportionately likely to be from BAME, or specifically black, ethnic groups. Victims are also disproportionately likely to be male. Recent studies have shown that homicide victimisation rates since 2000 have been about five times higher for black victims compared with white victims<sup>v</sup>. The disparity is greatest, and has been increasing, in the 16-24 age group. For that group, black victimisation rates have been more than ten times higher than white rates on average since 2000 with the most recent data from 2018-19 showing a homicide risk for young black people 24 times higher than that of young white people<sup>vi</sup>. In the year to March 2020, rates for hospital admission for assault with sharp object were 5 times higher for black individuals compared to white individuals<sup>vii</sup>. The Government has an imperative to

act. The safety and security of our citizens is our number one priority, and the public rightly want action.

### Question 2: When should the court have the power to give someone an SVRO?

31. We asked respondents to consider whether SVROs should be issued when an individual is convicted of:
- A. a knife offence;
  - B. an offence involving knives or offensive weapons (articles that have been adapted or used to cause injury, such as a sharpened screw driver or a metal bar);
  - C. any offence involving violence.
32. We have considered whether we should make SVROs available where someone has been convicted of any offence involving violence or just knife offences. We think that the SVRO should be available on conviction for offences involving knives and offences involving other offensive weapons, and so our preferred option is B.
33. Of those who responded online to this question (456 of 476 responses), 8.6% said that SVROs should be available on conviction for a knife offence only. 36.2% said on conviction for offences involving knives or offensive weapons, and **55.3% said SVROs should apply on conviction for any offence involving violence.**
34. Of the 73 responses that we received via email, 27 answered this question: approximately 22% of respondents said that SVROs should be available to those convicted of a knife offence only. **Approximately 67% of respondents said that SVROs should be available to those convicted of knives and offensive weapons offences.** Approximately 11% of respondents said that the orders should be issued to those convicted of an offence involving violence.
35. Many responses from enforcement agencies, criminal justice stakeholders and police forces agreed with our proposal that the order should be available when an individual is convicted for an offence involving knives or offensive weapons. Some respondents suggested that making SVROs available for those convicted of knife offences only could create an incentive towards carrying a different offensive weapon.
36. Some policing and community stakeholders suggested that making SVROs available for those convicted of any offence involving violence – irrespective of whether a weapon was being used or carried – may dilute the focus and efficacy of these powers.

## Government Response

37. We are proposing that the order should be available on conviction for offences involving the possession or use of a knife or other offensive weapon. This can include unlawful possession of acids and corrosive substances, the illegal possession of firearms, or violent offences in which a weapon was used or carried by the offender.
38. We recognise that 55% of responses to the online survey were in favour of applying SVROs to any offence involving violence. We took into account the support for including any offences involving violence, and weighed that against the fact that the purpose is to reduce serious violence by focusing on deterring offenders from carrying weapons. We think that extending SVROs to any offence involving violence would be too broad, as it could mean that a person could be stopped and searched for a weapon, despite never having been convicted of carrying or using one.
39. We therefore think that the SVRO should be available on conviction for offences involving the possession or use of a knife or other offensive weapon. This best reflects the purpose of SVROs to reduce serious violence by deterring individuals from carrying weapons by increasing the risks of being caught and by equipping them with a credible basis for resisting peer or other pressures to carry. We do not believe that it would be appropriate to extend SVROs to individuals who have not committed an offence involving the carriage or use of a weapon.

### **Question 3: Should an SVRO be made automatically on conviction?**

40. We asked respondents to consider whether an SVRO should:
- A. be given automatically on conviction;
  - B. not be automatic but should be a presumption that the order will be made by the court unless there are compelling reasons not to;
  - C. be wholly at the discretion of the court.
41. Of the 476 responses online, 459 provided an answer to this question. **Of these, 58.2% said that the order should be made automatically.** 25.5% said that it should not be made automatically but there should be a presumption that the order will be made. 16.3% said that the court should have full discretion to decide whether to make an order.
42. Of the 73 responses we received by email, 32 answered this question. Approximately 9% said that SVROS should be made automatically. Approximately 32% of respondents said that there should be a presumption that the order will be made, but that the court should have the discretion to refuse making the order if

there were compelling reasons. **Approximately 59% of respondent said that the order should be made wholly at the discretion of the court.**

43. A consolidated response from one set of criminal justice practitioners argued that the order should be made automatically to change the behaviour of as many offenders as possible. They noted that, in their view, it would be difficult to find any “compelling reasons” why the order should not be made following a relevant conviction for the possession of a bladed article or offensive weapon in a public place. In their view, it was proportionate that the offender should be of greater interest to the police, for the limited duration of the SVRO, after receiving a conviction.
44. However, the majority of responses from other practitioners, community and civil liberty groups, police forces and criminal justice stakeholders argued that the order should be wholly at the discretion of the court. They argued that the court must be able to respond to each case on its individual merits, considering specific characteristics and circumstances, so an SVRO should not be made automatically.

### **Government Response**

45. While approximately half of online respondents were supportive of the orders being made automatically, the majority of responses from practitioners, community and civil liberty groups, police forces and criminal justice stakeholders who would be involved in implementing SVROs argued for the order to be wholly at the discretion of the court as an additional safeguard to ensure proportionate use.
46. We took into account the support for orders being made automatically and weighed that against the evidence presented to us on orders being made wholly at the discretion of the court.
47. We propose amending the model so that SVROs are made wholly at the court’s discretion. Allowing the granting of an SVRO to be a matter for the court will allow individual circumstances to be considered in determining whether an SVRO should be granted. We propose that the court will be required to consider whether the order is necessary to protect the public, or particular members of the public, including protecting the individual themselves from the risk of harm involving a knife or offensive weapon or to prevent the individual committing a further offence involving the possession or use of such weapons.

## Question 4: Should an SVRO apply to adults only?

48. We asked respondents to consider whether SVROS should apply to:

- A. adults 18 and over;
- B. juveniles aged 12 and over;
- C. those aged 14 and over.

49. Of the 476 responses received online, 458 answered this question. Of these, 14.6% said that SVROs should apply to adults only. **64.6% said that SVROs should apply to adults and juveniles aged 12 and over.** 20.7% said that SVROs should apply to adults and children aged 14 and over.

50. Of the 73 responses received by email, 29 answered this question. **Approximately 55% agreed that SVROs should apply to adults only.** Approximately 21% said that SVROs should apply to adults and juveniles aged 12 and over. Approximately 21% said that they should apply to adults and children aged 14 and over. One response did not agree with any of the options and suggested instead that SVROs should apply to adults and children aged 16 years old and over.

51. Responses that supported SVROs applying to children as well as adults noted that there seems to be a prevalence in young people under 18 carrying bladed articles, in particular those aged 16 and 17 years old. By stopping and searching offenders in this age bracket, they argued that the police would be able to target a cohort that sentencing data show are engaging in knife crime.

52. Respondents supporting SVROs applying to adults only recognised that involvement in knife crime continues to be a problem among under-18s, but noted that children and young people at risk of involvement in violence often have complex safeguarding needs. They argued that diversionary work is needed, rather than additional stop and search powers, to prevent them from carrying knives.

53. They also noted that this is particularly important given the current issue of disproportionality in the youth justice system. The fact that black, asian and minority ethnic children and young people are disproportionately likely to be stopped by the police, and to receive negative criminal justice outcomes, has been linked to low trust and confidence amongst BAME children and young people in the system.

54. Whether supportive or unsupportive, many of the responses noted the 'displacement effect' of adults passing their weapons to others (particularly children) if subjected to an SVRO, which may result in the criminalisation of children.

### Government Response

55. The Government proposes that SVROs are applied to adults aged 18 and over. Figures show that in the year to March 2020, 17,086 knife and offensive weapon

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offences resulted in a caution or conviction for those over 18, and there were 4,412 for those aged 10 to 17. The latter has increased by 65% since the year ending March 2014.<sup>viii</sup> The most recent figures (year to September 2020 compared with the previous year) show a 24% reduction in the under 18 group, however it is likely this is mostly driven by Covid-19 restrictions on movement. There were 4,487 adults who received their second knife/offensive weapon caution or conviction in the year to March 2020 and 379 under-18s. The total number of reoffenders has increased by 16% since 2017.<sup>ix</sup>

56. The Government is committed to help preventing offenders of all ages from becoming involved in serious violence by developing resilience, supporting positive alternatives and delivering timely interventions. Prevention and early intervention are at the heart of our approach to tackling serious violence. Knife Crime Prevention Orders, which carry a range of positive requirements, have been specifically designed to help protect children over 12 from violence and exploitation. While we consider that an SVRO will have an important deterrent effect, helping an offender to distance themselves from and resist pressure to carry weapons, we are not currently proposing to extend the SVRO model to apply to under 18s. The Government will, however, keep this under active review. The evidence shows that the peak age for knife carrying is 14/15 year olds, and the Government is committed to exploring all options to help prevent these children from being exploited by crime gangs.
57. We recognise the vital importance of measures in the short and long-term to reduce serious violence. That is why, in addition to proposing SVROs to help reduce serious violence now and into the future, we have also invested over £220 million into early intervention projects over ten years. This includes the £200 million Youth Endowment Fund (YEF). The YEF announced their first award of £17.1 million to 23 projects across England and Wales in October 2019, followed by the Covid-19 grant round, launched in May 2020. We have also created Violence Reduction Units (VRUs), which invested in over 175 initiatives to prevent serious violence in their first year of Government funding. These include programmes in schools, communities, prisons, and hospitals.
58. We have noted the risk of a 'displacement effect' of adults passing their weapons to children, especially where children are already vulnerable. The practice of individuals causing others to carry weapons, drugs, or other items on their behalf, is commonplace within criminal groups. We will continue to monitor this closely during the pilot phase.

## Question 5: How long should an SVRO last?

59. We asked respondents to consider whether SVROs should have a fixed duration, whether they should last for the length of the sentence handed down by the court, or whether there should be a maximum and minimum length.
60. Of the 476 responses received online, 456 answered this question. 27% said that SVROs should have a fixed duration. 14.5% said that SVROs should last for the length of the sentence handed down by the court. 58.6% said that SVROs should have a maximum and minimum length.
61. Of the 73 responses received by email, 30 answered this question. Approximately 3% of respondents said that SVROs should have a fixed duration. Approximately 3% of respondents said that SVROs should last for the length of the sentence handed down by the court. **Approximately 90 % of respondents said that SVROs should have a maximum and minimum length.** One respondent suggested a compromise between options b) and c).
62. Criminal justice stakeholders argued that an SVRO should not last beyond the length of a sentence handed down by a court, as once someone has successfully completed their sentence without breach, they should be assumed to be rehabilitated. They argued that the court should be given the discretion to make an SRVO for any period they deem necessary, with a maximum duration set as the length of the sentence they impose.
63. It was suggested that SVROs could be one of the conditions in the licence under which an offender was released from custody, or be a condition of post-sentence supervision, for those offenders that were given an immediate custodial sentence.

### Government Response

64. The Government agrees that there should be a role for the courts to consider how long an SVRO should last and are proposing that there should be a maximum and minimum duration for SVROs, with the court deciding on the length within this range. The order would begin on the day it is made, but if a person is given an immediate custodial sentence it could start at the point at which they are released from custody.

## Question 6: Should we create a separate criminal offence of breach of an SVRO?

65. We asked respondents to consider whether:
- A. this offence would be committed by refusing to cooperate when a police officer tries to stop and search a person who has an SVRO, and by a person who has an SVRO being found to be carrying a knife or an offensive weapon again;
  - B. a separate offence is not needed because a breach should be treated as contempt of court;
  - C. we should use existing legal provisions about repeat offenders to deal with the breach.
66. Of the 476 responses received online, 459 answered this question. **75.4% agreed that a separate offence should be created.** 7.4% said that breach of a SVRO should be treated as contempt of court. 17.2% said that existing legal provisions for repeat offender should be used to deal with breaches.
67. Of the 73 responses received by email, 29 answered this question. **Approximately 48% of respondents said that a separate criminal offence should be created.** Approximately 21% said that a breach should be treated as contempt of court. Approximately 31% of respondents said that existing legal provisions for repeat offenders should be used.
68. Responses from criminal justice practitioners suggested that the court should have a range of punishments available for breach of the court order, although they were split on whether this should be achieved by creating a new offence or using existing legal provisions. They also pointed out that it is important that we do not punish an offender who is found to be in possession of a bladed article or an offensive weapon for both breach of the SVRO and the actual possession of the bladed article or offensive weapon.
69. One of the responses, from criminal justice practitioners, suggested that if the offender is found to be in possession of a knife or an offensive weapon, breach of an SVRO should be considered as an aggravating factor in the sentencing of a second possession of a bladed article or offensive weapon.

### **Government Response**

70. We propose that an SVRO would impose certain notification requirements on an individual, meaning that the police have up to date details of their name and where they are living. Breach of an SVRO would involve failure to comply with these notification requirements.

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71. If a person subject to an SVRO was found to be carrying a knife or offensive weapon, we consider that the existing criminal offences applicable to that behaviour, including existing legal provisions about repeat offenders, should be used.
72. However, we consider that the breach of an SVRO, an individual who is subject to an SVRO providing false information in relation to the notification requirements, telling a police officer that they are not subject to an SVRO or obstructing a police officer who exercises the stop and search power, would be a serious matter. The Government agrees that these should be treated as separate offences.

### **Question 7: How should the police use SVROs in practice?**

73. We invited comments on how the police should use SVROs in practice. Not all responses provided comments on this question. However, as part of our engagement with stakeholders, including the police, criminal justice system practitioners, community groups and statutory agencies, we have received additional feedback.
74. Of the 476 responses received online, 245 answered this question and the majority of the 73 responses received by email provided views. Responses centred on key themes, including the use of police intelligence and data, police training, and the role of the courts and other public bodies in implementing and monitoring SVROs.
75. Respondents suggested making data on the use of the SVROs publicly available, that police forces should seek views from stop and search panels before making an application for a SVRO, and that the orders are only used by offender management teams alongside efforts to support rehabilitation. Several responses from police forces and officers noted potential challenges around identifying individuals subject to an SVRO and suggested that deploying SVRO searches as part of an intelligence-led operational approach would be most effective.
76. Some practitioners provided feedback that, if the orders are created, they should be used with care not to infringe on citizens' rights, and should be used in public places only. Respondents said that there need to be assurances within the police and the court system that the orders are accurately recorded on Police National Computer (PNC) / Police National Database (PND) and removed from the same systems when the order comes to an end.

### **Government Response**

77. The need for effective scrutiny and oversight of how SVROs are used in practice has been a common theme in consultation responses. We must be able to assure communities that SVROs are being used appropriately and that their implementation will be subject to robust monitoring.

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78. We have noted the implementation challenges that have been raised, and will work with the police and other partners during the development of guidance and over the course of the pilot phase to ensure that there is effective scrutiny and safeguards in place to ensure the orders are effective and are used appropriately.
79. The Government believes that the most effective use of SVROs will be achieved through incorporating SVROs within an area's wider violence reduction and crime reduction strategies and tactical plans. This means the extent to which an SVRO is used in relation to a specific individual may vary significantly, dependent upon a range of factors, including consideration of community information, intelligence, and the range of protective and risk factors around that individual over the lifespan of an order. There may, for example, even be cases where offenders wish for police to make use of the power in order to help them distance themselves from negative influences, peers, or criminal associations.

### **Question 8: How might SVROs impact on communities?**

80. We invited comments on how SVROs may impact on communities. Not all the responses to the consultation provided comments on this question. However, as part of our engagement with stakeholders, including the police, criminal justice system practitioners, community groups and statutory agencies, we have received additional feedback.
81. Of the 476 responses received online, 241 answered this question. The majority of the 73 responses received by email provided views.
82. Many respondents noted the positive impacts that SVROs could have on communities. Some respondents noted that SVROs could reassure communities that known knife carriers are more likely to be caught, help communities feel safer, and reduce reoffending, which would in turn result in fewer victims of knife crime and serious violence.
83. Some respondents expressed concerns about the potential impact of the new order on minority communities, and the risk that this would erode trust and confidence in the police and wider justice system. They raised the risk that indiscriminate use of stop and search in situations where a police officer is not responding to specific current behaviour, but rather previous offences, is unlikely to increase trust in the police.
84. It was also suggested that if people from BAME groups, particularly black men, were to be disproportionately more likely to receive an SVRO (given they are also disproportionately more likely to be convicted of serious violence) then this could lead to increased disproportionate use of police powers against BAME individuals. In the year to March 2020, black individuals were 7 times more likely to be convicted or cautioned for a knife or offensive weapon offence compared to white individuals,

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and 9 times more likely to receive a repeat conviction or caution<sup>x</sup>. Responses noted that the Government would need to put in place very clear and careful procedures for the use of SVROs, to avoid this being seen as a power that could be used in a discriminatory way against black and other minority ethnic people.

85. It was noted by some that local partnership working, engagement with communities and an intelligence led approach using existing powers may also have a stronger impact on reducing offending behaviour in the long term than use of SVROs.

### **Government Response**

86. SVROs would only be available to the court when someone is convicted of a relevant offence. They would not be targeted at people because of their age, sex, race or any other protected characteristic. We do acknowledge, however, that although most people who are sentenced for knife or offensive weapons offences are male and white, black adults are disproportionately more likely to be convicted or cautioned for a knife or offensive weapons offence.

87. While we acknowledge that stop and search can have a disproportionate impact on people from minority ethnic backgrounds, at the same time, people from BAME backgrounds are disproportionately more likely to be a victim of violent crime and therefore could see a greater benefit from the policy.

88. As noted already, victims are disproportionately likely to be from BAME, or specifically black, ethnic groups. Homicide victimisation rates since 2000 have been about five times higher for black victims compared with white victims<sup>xi</sup>, and in the year to March 2020, rates for hospital admission for assault with sharp object were 5 times higher for black individuals compared to white individuals<sup>xii</sup>.

89. The Government will put in place clear and careful safeguards in relation to the appropriate use of SVROs. We will work with practitioners and other key stakeholders to ensure that the police have clear statutory guidance to use this power and that there is effective and robust local and national monitoring of SVROs. The police should engage with communities to build confidence in the fair and effective use of SVROs' stop and search powers and this will be monitored during the pilot phase and beyond.

### **Question 9: How may SVROs impact on individuals with protected characteristics under the Equality Act 2010?**

90. We invited comments on how SVROs might impact on individuals with protected characteristics under the Equality Act 2010. Not all responses to the consultation provided comments on this question. However, as part of our engagement with stakeholders, including the police, criminal justice system practitioners, community groups and statutory agencies, we have received additional feedback.

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91. Of the 476 responses received online, 200 answered this question. The majority of the 73 responses received by email also provided feedback on this question. Responses centred on key themes, including the impact on people from black, asian and minority ethnic backgrounds, as well as young people.
92. Responses highlighted that the Government has a duty to ensure the fair implementation of SVROs, with many highlighting the potential disproportionate impact on BAME individuals, in particular black men. Some responses highlighted the potential impact on young people under 18.
93. Some responses suggested mitigations to the risk that the orders may impact disproportionality on individuals with protected characteristics. There was a common theme that SVROs should be stringently monitored to ensure that their use is proportionate. Suggestions included that agencies should ensure that they have an independent scrutiny panel in place, and that data on SVROs' use should be made publicly available.

### **Government Response**

94. The Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
95. Given the disparities relating to the over-representation of men and BAME individuals as both victims and perpetrators of violence already outlined in this document, the SVRO, in seeking to reduce serious violence is in keeping with the Government's duty.
96. We have taken into consideration the concerns expressed by the respondents in relation to our equality duty, as well as their suggestions. As a result, we have decided to amend our initial proposals to ensure that the courts have discretion about whether to make an order. We also propose running a pilot to robustly monitor and evaluate the impact of SVROs before a decision is made on national roll out. We will develop statutory guidance for how the orders are implemented in partnership with key stakeholders, and the legislation will be kept under regular review.

## Annex A: The Consultation Analysis Methodology

1. The questions stated throughout this document were the questions as worded in the 45 page full consultation listed on gov.uk.
2. Consultation responses were analysed and a view also had to be taken on what correspondence constituted a formal response. It was decided not to include incomplete online survey responses (of which there were 168) on the grounds that the respondent had not formally submitted the data and may not have intended for their responses to be read.
3. Data from responses to the quantitative (closed) questions in the consultation (i.e. those that invited respondents to choose an answer) were extracted and analysed. All qualitative responses (i.e. those responses to open questions or where a respondent had submitted a paper, letter or email rather than answering specific questions) were also logged and analysed. This was done by coding the responses to identify frequently occurring themes. Findings have been reported in this document..
4. There is an element of subjectivity when coding qualitative responses, this has been minimised by carrying out additional quality assurance.
5. A number of detailed consultation responses were received that did not adhere to the formal structure and questions posed. These were fed into the Government's response.

## Endnotes

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<sup>i</sup> Home Office (2020): [Trends and drivers of homicide: Main findings \(publishing.service.gov.uk\)](#) and Kumar, Sherman and Strang (2020): [Racial Disparities in Homicide Victimization Rates: How to Improve Transparency by the Office of National Statistics in England and Wales | SpringerLink](#)

<sup>ii</sup> Kumar, Sherman and Strang (2020): [Racial Disparities in Homicide Victimization Rates: How to Improve Transparency by the Office of National Statistics in England and Wales | SpringerLink](#)

<sup>iii</sup> As endnote <sup>ii</sup>

<sup>iv</sup> <https://digital.nhs.uk/data-and-information/supplementary-information/2020/hospital-admissions-for-assault-by-sharp-object-from-2012-to-2020>

<sup>v</sup> As endnote (i)

<sup>vi</sup> As endnote (ii)

<sup>vii</sup> As endnote (iv)

<sup>viii</sup> <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-year-ending-march-2020>

<sup>ix</sup> <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-year-ending-march-2020>

<sup>x</sup> <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-year-ending-march-2020>. – Pivot table analytical tool for previous knife and offensive weapon offences, and Census 2011 ethnicity data used.

<sup>xi</sup> As endnote (i)

<sup>xii</sup> [Hospital admissions for assault by sharp object from 2012 to 2020 - NHS Digital](#)