



Home Office

Equality Impact Assessment [EIA] – Crime and Policing Bill Antisocial Behaviour, Knife and Retail Crime Measures

1. Name and outline of policy proposal, guidance, or operational activity

This Equality Impact Assessment covers the following measures included in the Crime and Policing Bill:

1. Respect Orders, Anti-Social Behaviour Measures from the Criminal Justice Bill and Seizure of Vehicles being used anti-socially
2. Public Order Measures
3. Knife Crime Measures from the Criminal Justice Bill
4. Assaulting a Retail Worker

Respect Orders, Further ASB Measures and Seizure of Vehicles

1. Introducing Respect Orders (and by extension housing ASB injunctions and a youth ASB injunctions), to tackle persistent adult ASB offenders. The youth injunction will retain the policy effect of the current Civil Injunction for 10–17-year-olds. The housing injunction will retain the policy effect of the Civil Injunction for housing related ASB for adults.
2. Re-introduction of ASB measures from the previous Government's Criminal Justice Bill:
 - a. Extending the maximum exclusion period for dispersal directions from 48 hours to 72 hours, with a mandatory review at 48 hours.
 - b. Increasing the upper limit for a Fixed Penalty Notice (FPN) for breaches of a Public Spaces Protection Order (PSPO) or a Community Protection Notice (CPN) from £100 to £500.
 - c. Extending the timeframe that relevant agencies can apply to a magistrates' court for a closure order from 48 hours after service of a closure notice to 72 hours.
 - d. Extending the power to issue closure notices to registered social housing providers. Currently only local authorities and police can issue closure notices.
 - e. Extending the powers available under the Community Safety Accreditation Scheme (CSAS) to allow CSAS officers to issue fixed penalty notices for breach of CPNs and PSPOs.
 - f. Creating a duty for Police and Crime Commissioners (PCCs) to promote awareness of the ASB Case Review in their police force area and provide a route for victims to query decisions via their office.
 - g. Introducing new ASB data reporting requirements by creating a power for the Home Secretary to make regulations requiring local bodies, such as councils and social housing providers, to report specified ASB data to the Home Office.
3. Amending Section 59 of the Police Reform Act 2002 (PRA) to remove the requirement for police to issue a warning before seizing a vehicle being used anti-

socially. Anti-Social behaviour involving vehicles such as off-road bikes, motorbikes, e-scooters and e-bikes causes untold nuisance and misery for communities.

Public Order Measures

The new measures in the Bill include:

1. **Possession of Pyrotechnics:** This measure will make it an offence for a person to have a pyrotechnic article in his or her possession at any time when taking part in a protest in a public place. The maximum penalty would be a fine of £1,000.
2. **Climbing a War Memorial:** This measure will create a new criminal offence of climbing a war memorial specified in the provisions. The penalty for this offence will be a fine of £1000 and/or imprisonment for a term not exceeding 3 months.
3. **Items to Conceal Identity:** This measure will create a new criminal offence of wearing, or otherwise using, an item that conceals identity in an area designated by police to prevent or control the commission of offences connected to protest activity. The penalty for this offence will be a fine of up to £1000 and/or imprisonment for a term not exceeding 1 month.

Knife Crime Measures

The Bill introduces three measures intended to help the police tackle knife crime and meet the Government's objective of halving knife crime in the next decade:

1. Enable the police to seize, retain and destroy knives held in private when they are lawfully on private property and have reasonable grounds to suspect the item(s) will likely be used in connection with unlawful violence.
2. Increase the maximum penalty, from six months' imprisonment to two years' imprisonment, for the offences of private possession, importation, manufacture, sale, or supply of prohibited offensive weapons and certain knives and of selling knives to those under 18.
3. Introduce a new offence of possession of a knife or offensive weapon in public or private with intent to use unlawful violence. The offence will carry a maximum penalty of four years' imprisonment.

Assaulting a Retail Worker

Introducing a new standalone offence for assaults on retail workers. The offence will have a maximum penalty of six months in prison, and/or an unlimited fine – and upon conviction, there is a presumption on the courts to apply a Criminal Behaviour Order, which could bar offenders from visiting affected shops or premises. Breaching a Criminal Behaviour Order is a criminal offence and carries a five-year maximum prison sentence.

2. Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

The evidence considered in considering the duty include crime statistics, national statistics, offender profile statistics and available research.

The Department has particularly considered the following:

Respect Orders, Further ASB Measures and Seizure of Vehicles

Crime in England and Wales (CSEW) national statistics data set (year ending March 2024)¹

- Overall ASB features consistently in CSEW as the public's biggest crime concern locally. In the year ending March 2024 the CSEW showed 36% of respondents personally witnessed or experienced ASB in their local area, with 'groups hanging around on the streets' and 'vehicle related ASB' the most common types of ASB personally experienced/ witnessed.
- CSEW data for the year ending March 2024 showed that similar levels of men (36%) and women (35%) personally witnessed or experienced ASB in their local area in the last 12 months.
- Respondents from a Mixed/Multiple ethnic background were most likely to report experiencing ASB (44%), followed by respondents from white backgrounds (37%). Just over a quarter (27%) of respondents from Black, African, Caribbean or Black British backgrounds experienced ASB, and a similar proportion (28%) of respondents from Asian or Asian British backgrounds reported experiencing ASB.
- Respondents aged 65-74 (33%) and 75+ (21%) were least likely to report experiencing ASB. Beyond this, there was not much difference between age groups.
- Respondents with disabilities were more likely to report experiencing ASB (41%) than respondents without disabilities (34%).
- Those who are Gay/Lesbian (44%) or Bisexual (51%) are more likely to have witnessed or experienced ASB compared to heterosexual people (36%).
- Perceptions of high levels of ASB are lower for married individuals (6%) than for single individuals (13%). ([CSEW](#) supplementary tables)
- 12% of Muslims were likely to perceive high levels of ASB in their areas. This is the highest proportion, with 11% of Hindus, 6% of Christians and 10% of no religion perceiving high levels of ASB in their area.

Ministry of Justice quarterly statistics/ ONS Census 2021

Sex²

- Of cases where sex is recorded, 69% of proceedings for a breach of a CPN were against male defendants compared to 31% for female defendants (MOJ quarterly stats).
- Of cases where sex is recorded, 76% of proceedings for a breach of a PSPO were against male defendants compared to 24% for female defendants (MOJ quarterly stats).
- Of cases where sex is recorded, 80% of proceedings for remaining on or entering premises in contravention of a closure notice or similar direction (including dispersal powers) were against male defendants compared to 20% for female defendants (MOJ quarterly stats).

Age³

- Of cases where age is recorded, those who are in the 18 to 20 age range are the most likely to have proceedings brought against them for a breach of a CPN (3.97 proceedings per 100,000 18–20-year-olds) (MOJ quarterly stats; ONS Census 2021). This compares to 2.75 proceedings per 100,000 across all age groups.

¹ [Crime in England and Wales: Annual supplementary tables - Office for National Statistics \(ons.gov.uk\)](#)

² Sex data uses yearly average proceedings from 2015-2023

³ Age data uses yearly average proceedings from 2017-2023 and uses 2021 Census data to attribute proceedings by proportion of population.

- Of cases where age is recorded, those who are in the 21 to 24 age range are the most likely to have proceedings brought against them for a breach of a PSPO (1.98 proceedings per 100,000 21-24-year-olds) (MOJ quarterly stats; ONS Census 2021). This compares to 0.96 proceedings per 100,000 across all age groups.
- Of cases where age is recorded, those who are in the 30 to 39 age range are the most likely to have proceedings brought against them for remaining on or entering premises in contravention of a closure notice or similar direction (including dispersal powers) (2.33 proceedings per 100,000 30-39-year-olds) (MOJ quarterly stats; ONS Census 2021). This compares to 1.19 proceedings per 100,000 across all age groups.

*Ethnicity*⁴

- Of cases where ethnicity is recorded, those who are of 'any other black, black British or Caribbean background'* are the most likely to have proceedings brought against them for a breach of a CPN (8.36 proceedings per 100,000 individuals of 'any other black, black British or Caribbean background') (MOJ quarterly stats; ONS Census 2021). This compares to 0.94 proceedings per 100,000 across all ethnic groups.
- Of cases where ethnicity is recorded, those who are of 'any other black, black British or Caribbean background'* are the most likely to have proceedings brought against them for a breach of a PSPO (0.17 proceedings per 100,000 individuals of 'any other black, black British or Caribbean background') (MOJ quarterly stats; ONS Census 2021). This compares to 0.07 proceedings per 100,000 across all ethnicities.
- Of cases where ethnicity is recorded, those who are of 'any other black, black British or Caribbean background'* are the most likely to have proceedings brought against them for remaining on or entering premises in contravention of a closure notice or similar direction (including dispersal powers) (5.9 proceedings per 100,000 individuals of 'any other black, black British or Caribbean background') (MOJ quarterly stats; ONS Census 2021). This compares to 0.85 proceedings per 100,000 across all ethnicities.

Baroness Casey Review: Final Report An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service⁵

- *“Meanwhile Black Londoners in particular remain over-policed. They are more likely to be stopped and searched, handcuffed, batoned and Tasered, are overrepresented in many serious crimes, and when they are victims of crime, they are less satisfied with the service they receive than other Londoners. There is now generational mistrust of the police among Black Londoners. Stop and search is currently deployed by the Met at the cost of legitimacy, trust and, therefore, consent. We have found institutional racism, misogyny and homophobia in the Met”*
- *“The Met under-protects and over-polices Black Londoners”*

Consultation on Section 59 PRA Powers

⁴ *excludes 'African' and 'Caribbean'. Ethnicity data uses yearly average proceedings from 2015-2024 and uses 2021 Census data to attribute proceedings by proportion of population.

⁵ <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf> pages 14 and 17

- The Department does not currently hold data on the prevalence of anti-social behaviour involving vehicles but estimates from the Crime Survey for England and Wales (CSEW) for year ending June 2024 survey showed that 36% of people had experienced or witnessed some type of anti-social behaviour (ASB)
- Between 12 September and 10 October 2024, the Government invited policing sector stakeholders in England and Wales to comment on proposals to make it easier for the police to seize vehicles which are used in an Anti-social manner.
- The Government wanted to understand policing sector views on the proposed amendments and to learn of evidence of impact from the proposals and of any potential unintended consequences. There were 5 responses to the consultation paper from policing bodies including from the NPCC national lead for Roads Policing.
- All responses were with strongly supportive or supportive of the proposal to remove the requirement for the police to provide a warning before seizing a vehicle which has been used in an anti-social manner. Respondents also commented on some of the operational challenges of enforcement against offenders who use vehicles in an anti-social manner.
- Furthermore, the Government will continue to be in regular communication with the National Police Chiefs' Council (NPCC). The NPCC have not yet raised any equality impact issues associated with the option considered as part of the development of these proposals.
- During police vehicle recovery operations, action is taken against a vehicle – e.g. because it has been used in an anti-social manner - rather than an individual person. Therefore, it should not be the case that protected characteristics of the rider/motorist influence the decisions that the police make on the recovery of seized vehicles.

Public Order Measures

In considering the impact public order-related amendments to the Criminal Justice Bill will have on those with protected characteristics, the Department has considered the following sources:

- HMICFRS' 2021 inspection report into how effectively the police deal with protests⁶

Following recent protests, the Department has worked with the following stakeholders to understand the challenges facing operational policing and uncover the gaps that this legislation seeks to close:

- The NPCC
- The MPS
- The Crown Prosecution Service

Knife Crime Measures

Knife Crime Trends:

- Following a decline in the first half of the 2010s, there have been increases in knife crime across England and Wales, including in homicides involving a knife or sharp instrument and police recorded offences involving a knife or sharp instrument.
- Improvements in police recorded crime mean that these trends are best measured using hospital admissions for assault with a sharp object. There was a 48% increase

⁶ <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/getting-the-balance-right-an-inspection-of-how-effectively-the-police-deal-with-protests.pdf>. This is the most up to date report available.

in serious violence (measured by U25 hospital admissions for assault with a sharp object) between 2014/15 and 2017/18.

- There has been an increase in police recorded knife crime of 5% in the 12 months period ending June 2024, although there has been a 10% reduction in the relevant hospital admissions data over the same period.
- In the year ending June 2024, 44% of homicides involved the use of a knife or sharp instrument. This was a slight increase compared with 42% in the year ending June 2023. Proportions for homicides where a knife or sharp instrument was the method of killing exclude data from Greater Manchester Police.

Police Recorded Knife-enabled Offences:

- Data for year ending June 2024 showed that offences involving knives or sharp instruments (excluding Greater Manchester Police) increased by 5% (to 50,973 offences) compared with the year to June 2023 (49,187 offences); this was 2% lower than year ending March 2020 (51,982 offences).
- Knife-enabled crimes continue to be concentrated in metropolitan areas across England and Wales, with 31% of all offences recorded by the Metropolitan Police Service and 10% by the West Midlands Police.
- Police recorded “possession of article with a blade or point” offences decreased by 4% in the year to June 2024 (27,553 offences) compared with year ending June 2023 (28,582 offences). This follows substantial increases in recent years, which may have been influenced by targeted police action to tackle knife crime.

NHS Hospital Admissions:

- NHS hospitals in England and Wales have recorded a rise in admissions for treatment when someone has been assaulted with a sharp object, from a recent low of 3,684 in the year ending March 2015 to a high of 5,192 in the year ending March 2019.
- The latest provisional admissions data for NHS hospitals in England and Wales showed no change in the number of admissions for assault by a sharp object in the year to June 2024 (3,801 admissions). This was similar to year ending June 2023 (3,809 admissions) and 20% below the pre-pandemic year ending March 2020 (4,769 admissions).

Knife Crime in the Criminal Justice System

Cautions and Convictions:

- The number of knife and offensive weapon offences dealt with by the Criminal Justice System increased between 2013 (16,259 cases) to 2019 (22,472 cases). However, once restrictions were imposed in response to the pandemic, the number of cases dropped by 12% in 2021 compared with 2019.
- Since the pandemic, the total number of cases has fluctuated each year. The total number of knife and offensive weapons offences resulting in a caution or conviction in year ending June 2024 is 11% lower than in 2019.
- This is not the same as the number of individuals dealt with, as one individual could have committed more than one offence in the same year.

Table 1: Cases involving knives and offensive weapons resulting in caution or conviction.

Geographical Location	Year ending June 2024	Year ending June 2023	Year ending June 2022
England and Wales	19,914	19,859	19,650

Custody:

- In the year ending June 2024, 29% of the total number of knife and offensive weapon offences resulting in either a conviction or a caution led to an immediate custodial sentence. This is down 4 percentage points from the year ending June 2023, 3 percentage points from the year ending June 2022, and down 9 percentage points from the year ending March 2019.

Table 2: Cases resulting in immediate custody.

Geographical Location	Year ending June 2024	Year ending June 2023	Year ending June 2022
England and Wales	5,836	6,645	6,390

Repeat offending:

- A higher number of cases involve people who have already committed one knife or offensive weapon offence.

Table 3: Cases involving people who have already committed one knife or offensive weapons possession offences.⁷

Geographical Location	Year ending June 2024	Year ending June 2023	Year ending June 2022
England and Wales	4,361	4,383	4,133

Perpetrators of Violent Crime

- This assessment uses the available data for offenders convicted for a knife or offensive weapon offence in England and Wales published by the Ministry of Justice (MoJ)⁸ to understand the target population and then to assess the impact of this policy on people with protected characteristics. This is the best available data the Department is aware of to analyse the equalities impacts for the policy.
- MoJ data is broken down by police force area, age group, ethnic appearance and gender. It should be noted that the ethnicity category is not self-reported, but rather the police officer's perception in the individual case. In addition, the figures are for

⁷ Main tables, Table 7: <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-april-to-june-2024>

⁸ 'Knife and Offensive Weapon Possession Sentencing Statistics: Year ending March 2023 main tables. The figures include those sentenced to community sentence, suspended sentence and immediate custody. This is in line with the proposed policy. [Knife and Offensive Weapon Sentencing Statistics: January to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-january-to-march-2023)

offence occasions as opposed to offenders and, when split out geographically, refer to the police force prosecuting the offence as opposed to where the offender lives.⁹

Age:

- Most people who are sentenced for knife or offensive weapon offences are adults. 85% (11,829) of sentences in the year ending June 2024 were for adults, 15% (2,117) were children.

Table 4: Sentencing - Knife and Offensive Weapons Offences Year Ending June 2024 followed by the respective population figures and rates – Adults

Gender	Ethnicity*	Total adult Sentences	Total adult population (millions)	Rate
Sentences**				
All	All	11,829	47.2	25
Male	All	10,865	22.8	48
Female	All	912	24.4	4
All	White	8,460	39.6	21
All	Black	2,108	1.7	124
All	Asian	763	4	19
All	Other	182	0.9	20

**Total sentences include *community sentence, suspended sentence and immediate custody*. Male and female and white totals will not equal the total sentences, due to unknown ethnicities and genders being included.¹⁰
 Population and ethnicity figures are from the 2021 census data.
 Total populations for each respective group are in millions and rounded to one decimal place.
 Rates are adults sentenced to knife and offensive weapon offences per 100,000 people.

Source for sentences: Knife and Offensive Weapon Possession Sentencing publication: Pivot Table Analytical Tool for previous knife and offensive weapon offences. [Knife and Offensive Weapon Sentencing Statistics: April to June 2024 - GOV.UK](#)

Source for population data: [Ethnic group by age and sex in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

Time period: Year ending June 2024

Date published: 21 November 2024

Sex:

⁹ Due to this, some double counting is inevitable. If one offender is sentenced more than once in the same year they will appear multiple times in the data. This means the rates and sentence numbers may be a slight overestimation.

¹⁰ The number of unknown offender ethnicities are 316 for adults. This represents 3% of the total sentenced (11,829). There are 52 cases where the gender is unknown (less than 1% of the total). These unknown cases are not mutually exclusive.

- The sentencing rates across the entire population, for all ages, in the year ending June 2024:
 - 12,889 of 13,946 (92%) people sentenced for knife/offensive weapons offences are males.

Race:

- Most people who are sentenced for knife or offensive weapon offences are white.¹¹ 69% of all those sentenced for these offences in the year ending June 2024 were white (8,460 adults and 1,113 children within a total sentenced population of 13,946). White males were 72% of all adults sentenced for such offences in this period. White males were 53% of all children sentenced for such offences in this period.

From Table 4 (for adult offenders), it is further estimated that:

- The rate of offenders amongst the white population is approximately 21 adults sentenced per 100,000 in the white population.
- 124 adults are sentenced to these offences per 100,000 in the black population, and 19 adults per 100,000 in the Asian population.
- This compares to a rate of 25 per 100,000 in the total adult population.
- The above figures suggest that there may be some disproportionality in the rate of sentencing amongst the black population.

Victims of violent crime

- In order to assess the possible impact on people with protected characteristics, the Department has used the latest data for hospital admissions for assault by sharp object in England published by the NHS. Data for England and Wales is broken down by protected characteristics from the 2021 census data. This is the best available data the Department is aware of to analyse the groups which the policy may impact. The data is broken down by age group, gender and ethnic appearance. It should be noted that the data publicly available for use is rounded to the nearest 5, and only suppressed data can be used.
- The figures at table 5 suggest that there may be some disproportionality in the rate of hospital admissions for assault by sharp object amongst the black population. Black individuals are admitted at a rate of 14.6 per 100,000, this is in comparison to 3.3 per 100,000 population for white individuals, 4.4 per 100,000 population for Asian or Asian British individuals and 6.2 per 100,000 for the total population.

Table 5: Finished Admissions Episodes (FAE) hospital admissions for assault by sharp object in England only. April 2022 to March 2023

Characteristic	FAEs	% of suppressed data	Population	Rate per 100,000
Total unsuppressed data	3,715		59.6	6.2
Male	3,379	91%	29.2	11.2
Female	332	9%	30.4	1.1
White	1,622	44%	48.7	3.3
Asian or Asian British*	242	7%	5.5	4.4

¹¹Pivot tables: [Knife and Offensive Weapon Sentencing Statistics: April to June 2024 - GOV.UK](https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-april-to-june-2024)

Black or Black British*	350	9%	2.4	14.6
Other*	347	9%	1.3	26.7
10-19	786	21%	7.0	11.2
20-29	1,147	31%	7.5	15.3
30-39	880	24%	8.1	10.9
40-49	504	14%	7.5	6.7
50-59	242	7%	8.2	3.0
60-69	78	2%	6.4	1.2
70-79	24	1%	5.1	0.5
80 and over	20	1%	3.0	0.7

*Potential discrepancies in the categorisation of 'Other' in the NHS data and census data, should be treated with caution.

*Asian and Asian British, and black and black British are listed ethnicities in the NHS data and are compared to the population of Asian and black people in the census data

[FAEs: https://digital.nhs.uk/supplementary-information/2022/hospital-admissions-for-assault-by-sharp-object-from-2012-13-to-september-2023](https://digital.nhs.uk/supplementary-information/2022/hospital-admissions-for-assault-by-sharp-object-from-2012-13-to-september-2023)

[age and sex population estimates \(census 2021\):
https://www.ons.gov.uk/datasets/TS009/editions/2021/versions/1](https://www.ons.gov.uk/datasets/TS009/editions/2021/versions/1)

[ethnicity population estimates \(census 2021\):
https://www.ons.gov.uk/datasets/TS021/editions/2021/versions/2](https://www.ons.gov.uk/datasets/TS021/editions/2021/versions/2)

Time period: April 2022 to March 2023

Date published: 23 November 2023

Victims of Homicide:

- The Department has used ONS data on Homicide in England and Wales which analyses information held within the Home Office Homicide Index, which contains detailed record-level information about each homicide recorded by police in England and Wales.
- The most common age for victims of homicide is 25-34:
 - The most recent available data from the year ending March 2023 shows that in England and Wales, the peak age for victims of homicide is 25-34 (17% or 103 of 590 victims).¹² The next highest groups were 16-24 year olds (17% or 99 victims), then 45-54 years old (16% or 96 victims) and then 35-44 year olds (16% or 93 victims).
- Most homicide victims are male:

¹² [Appendix tables: homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

- 71% of all homicide victims in England and Wales were male in the year ending March 2023, although this did vary with age. For example, in the 16-24 age range, 86% of victims were male.¹³
- As in previous years, the most common method of killing, for both male and female victims, was by a sharp instrument (including knives; 41%) in the year ending March 2023.¹⁴
- Most homicide victims are white, however black people had higher rates of victimisation:
 - In the year ending March 2023, 69% of all homicide victims in England and Wales were white, and 16% were black, 7% were Asian and 2% in the Other ethnic group.¹⁵
 - Accounting for different population sizes, in the three years to year ending March 2023, average rates per million population were around five times higher for black victims than white victims and victims of other ethnicities.¹⁶
- Homicide rates across all ethnic groups over the last three years have remained broadly stable compared with the three-year period to year ending March 2020.
- There were clear differences in the age profile of victims between different ethnic groups. Approximately a third of black (36%) and a fifth of Asian (21%) victims were aged 16 to 24 years, whereas this was a much lower proportion for white victims (11%).
- According to a 2020 study on Racial Disparities in Homicide Victimization Rates, for persons aged 16 to 24, the most recent homicide rate was 24 times higher for black individuals than for white individuals.¹⁷

Assaulting a Retail Worker

The Department has considered data across a variety of sources from industry. There are no official statistics on the number of assaults against retail workers or public facing workers, because details of the profession of the victim or the location of their assault are not captured in Police Recorded Crime figures or in the Crime Survey for England and Wales. The Department does not, therefore hold official figures that accurately show the scale of the problem. This is one of the reasons for the retail sector requesting a new offence, so that the problem can be better understood and better responded to by police.

However, some statistics are available through various surveys, for example, the Home Office Commercial Victimization Survey and surveys undertaken by the British Retail Consortium (BRC), the Association of Convenience Stores (ACS) and USDAW. The Commercial Victimization Survey is the most reliable of these surveys, as it is conducted by the Home Office with robust methodology; however, the sample sizes used are limited. Each of these sources point to concerns over the extent of violence towards retail workers, including the fact that more and more often shop theft is being accompanied by violence.

¹³ Appendix Table 4 Number of offences and rates per million population currently recorded as homicide, by age and sex of victim. [Appendix tables: homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#) Homicide in England and Wales: year ending March 2023 - Appendix Tables', released by the Office for National Statistics, 10 February 2022

¹⁴ [Homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

¹⁵ [Appendix tables: homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#) Homicide in England and Wales: year ending March 2023 - Appendix Tables

¹⁶ Appendix Table 6: Average rates per million population of currently recorded homicide offences by victim's ethnic appearance [notes 2,17,18] [Appendix tables: homicide in England and Wales - Office for National Statistics \(ons.gov.uk\)](#) Homicide in England and Wales: year ending March 2023 - Appendix Tables

¹⁷ [Racial Disparities in Homicide Victimization Rates: How to Improve Transparency by the Office of National Statistics in England and Wales | SpringerLink](#)

Estimates from the Home Office Commercial Victimization Survey (CVS) show that 12% of premises in the retail sector experienced at least one incident of assault or threat in the last year (CVS, combined 2022 and 2023)¹⁸. Assaults and threats also showed high rates of repeat victimisation in the retail sector. Of the premises that were victims of assault or threats, 22% reported having experienced it at least once a week, and 5% once a day or more frequently (based on combined 2022 and 2023 CVS). Encountering a thief in store is the most common trigger for violent crime incidents in retail stores (cited by 26% of victims of violence, CVS 2021). In terms of the type of violence experienced by premises in the retail sector that were victims of violence, 85% experienced verbal abuse, 74% experienced threat or intimidation and 24% experienced physical attack without injury (CVS, combined 2022 and 2023).

Industry survey data from the BRC Crime Report 2024 also estimates these incidents of violence and abuse towards retail staff are increasing.¹⁹ It is estimated there were around 434,000 incidents of violence and abuse in 2022-23 (1,190 a day) which has increased from 340 a day pre-pandemic. Violence and abuse against staff was the most important issue for retailers by far, with 68% placing it as the number one issue with 16% of retailers perceiving customer theft as the number one issue.

Surveys undertaken by the ACS and USDAW show a similar picture. According to the ACS annual crime report (2024²⁰), over the last year it is estimated there were around 76,000 incidents of violence in shops (compared to 41,000 in 2023), with 87% of colleagues reporting they had faced verbal abuse in the last year. Furthermore, a survey by the USDAW (2023²¹) found that seven out of 10 shopworkers reported verbal abuse, 46% received threats of violence and 18% were physically assaulted.

In terms of data on who is caught and sentenced, as there is currently no standalone offence for assaulting a retail worker, the Department does not have data on the offender characteristics. However, data is available for shop theft sentencing occasions, which the Department can infer will include those committing assaults (MoJ, YE December 2023²²). This data shows that offenders sentences are more likely to be male (74%), white (63.1%) and aged 30-49 (69.1%). The Department outlines the offender characteristics in section 3a in terms of any indirect discrimination a new offence could have on the offenders who are caught for shop theft.

The focus on reducing assaults is expected to increase retailer confidence to report other criminal activity that may go unreported on their premises, sending the message that this crime type should not be tolerated. The Department expects to see an increase in retailers reporting assaults to police, and potentially other crime types such as shop theft. This could decrease the offender's sense of security to commit crime within these spaces and increase the public's sense of safety in the retail environment including when in high streets and town centres, as well as improving public confidence in policing. Introducing a new standalone offence means that police will record assaults against retail workers separately from other assault offences, and official Police Recorded Crime figures will be published.

¹⁸ [Crime against businesses: findings from the 2023 Commercial Victimization Survey - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/crime-against-businesses-findings-from-the-2023-commercial-victimisation-survey)

¹⁹ [BRC Crime Survey 2023; Crime Report 2024 | ACS | The Association of Convenience Stores](https://www.brc.co.uk/insights/crime-report-2024)

²⁰ [ACS Crime Report 2024.pdf](https://www.acs.co.uk/insights/crime-report-2024)

²¹ [FFF Survey Results Report 2023 \(usdaw.org.uk\)](https://www.usdaw.org.uk/research/survey-results)

²² [Criminal Justice System statistics quarterly: December 2023 - GOV.UK](https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023)

3a. **Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.**

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where direct and indirect discrimination is not addressed, that is because at this time the Department has assessed that there is no direct or indirect discrimination to be considered for that measure or in relation to a particular protected characteristic; the Department will keep this under review and update as necessary.

Respect Orders, Further ASB Measures and Seizure of Vehicles

Age

Direct Discrimination

The provisions introducing Respect Orders will have a direct impact on adults as their application will be restricted to over-18s who have engaged in repeated anti-social behaviour. This can be objectively justified as being a proportionate means to achieving the legitimate aim of targeting individuals who engage in persistent anti-social behaviour; imposing requirements a court sees fit to ensure such behaviour ceases and that the public are protected. Additionally, civil youth injunctions will remain in place for offenders aged 10-17 who engage in anti-social behaviour, meaning any disparity in managing anti-social behaviour across age groups will be minimal. Breach of a youth injunction will remain contempt of court, whereas breach of a respect order will become a criminal offence.

Indirect Discrimination

The CPN currently applies to ages 16 and above, impacting children. In theory, increasing the upper limit of a FPN for breaching a CPN could therefore apply to children aged 16 and 17. However, in practice, the Home Office does not anticipate this will have an impact on children and young people. The increase from £100 to £500 represents only the upper limit and local agencies will still have flexibility to issue fines of less than £500 as they consider appropriate. The ASB statutory guidance contains advice for practitioners to ensure that use of powers is proportionate in cases against children and young people, and informal interventions have been considered in the first instance to curtail the behaviour. MoJ breach data also indicates that proceedings are more likely to be brought against adults, aged 18-20 for breaching a CPN and adults, aged 21-24 for breaching a PSPO. As such, the increase in the upper limit of a FPN is likely to have more of an impact on adults than children and young people.

In relation to the proposed changes to s59 PRA, the Home Office does foresee a risk of indirect discrimination, as a greater proportion of two-wheel vehicular anti-social behaviour (bikes) is committed by teenagers and young adults and four-wheel vehicular anti-social behaviour (car racing) is committed by younger adults. Therefore, they may be subject more often to the police use of their seizure powers than older people, though this is considered to be objectively justified in order to meet the Government's legitimate aim of tackling anti-social behaviour.

Race

Indirect Discrimination

There is potential for the proposed changes to negatively impact on specific ethnicities. MoJ breach data shows that for those who have committed ASB, of cases where ethnicity is recorded, those who are of 'any other black, black British or Caribbean background' are the most likely to have proceedings brought against them for a breach of a CPN, breach of a PSPO, and for remaining on or entering premises in contravention of a closure notice or similar. Baroness Casey's review also found that Black Londoners remain over-policed. By extending powers available to enforce breaches, it is possible this could grow disproportionately against this group.

To mitigate the risk of any disproportionate use of the ASB Powers, statutory guidance will be in place for practitioners, to highlight the importance of applying the powers in an appropriate and proportionate way, to minimise any over policing of minority communities.

CSEW data suggests that those from a mixed/ multiple ethnic background are more likely to have witnessed or experienced ASB, so proposed changes may benefit people of this characteristic if measures are successful in reducing ASB.

With regards to Section 59 PRA powers, the Home Office does foresee a risk of indirect discrimination, when vehicular anti-social behaviour is committed in areas, particularly in the Midlands or Greater London, with higher population densities which often have a population with a higher proportion of certain ethnicities than the country's average. However, the Department is aware that many of the areas where vehicle related anti-social behaviour is reportedly a particular problem, such as the Northeast, are of a lower population density and do not have a higher proportion of certain ethnicities than the country's average. As a result, this is considered to be objectively justified in order to meet the Government's legitimate aim of tackling anti-social behaviour.

Sex

Indirect Discrimination

MoJ breach data suggests that proceedings for breach of CPNs and PSPOs are more likely to be made against male defendants. By increasing the upper limit of a FPN for breach of a CPN or PSPO and extending powers to CSAS officers to enforce breaches of CPNs and PSPOs, it is possible that this could grow disproportionately against men. There is also a risk of indirect discrimination in relation to Section 59 PRA, given that data shows more men than women engage in vehicular anti-social behaviour, As a result, this is considered to be objectively justified in order to meet the Government's legitimate aim of tackling anti-social behaviour.

Public Order Measures

Age

Indirect Discrimination

Although the measures apply equally to all people regardless of age, there is a possibility that a greater number of older people than younger people may wear face masks in crowded places for health reasons. Therefore, the new offence of concealing identity at protests may disadvantage older people more than younger people if they feel worried about protesting due to the new offence.

Notwithstanding these potential disadvantages, the Department considers the measures to be a proportionate means of achieving the legitimate aim of preventing crime and public disorder and protecting the rights of others. Moreover, the impact on older people with regard to the concealing identity offence is mitigated given there is an express defence available where an item is worn for health reasons.

Disability

Indirect Discrimination

Certain protests, depending on the cause they represent, may be attended by a greater than average proportion of people with a particular protected characteristic. As with the use of all public order powers, the Department expects the police to apply the proposed measures in a fair and proportionate manner that carefully considers the individual's freedoms of religion, expression and assembly under the Human Rights Act 1998, as well as the protected characteristics of anyone at the protest. The police must consider these rights and freedoms in light of the prohibition from discrimination also contained in the ECHR (Article 14), in addition to the requirement to comply with the Equality Act 2010. The Department considers that this is sufficient to ensure that the rights of these individuals and groups are protected.

Having a ban on concealing identity in a particular locality would be more likely to impact on individuals with health concerns who routinely wear face masks for medical purposes, as compared to individuals who do not usually wear face coverings for these purposes. These individuals may feel more uneasy about attending protests than they ordinarily would for fear of being criminalised. However, to mitigate the impact on those wearing face covering for health reasons the offence has been designed to include an explicit defence where a person is wearing an item for health reasons. Therefore, those wearing face coverings for legitimate medical purposes will not be committing an offence.

The concealing identity designation provisions will operate in a similar way to the current Section 60AA Criminal Justice and Public Order Act 1994 authorisations, which are issued by the police in relation to particular areas when they reasonably believe that protest activities are likely to involve the commission of offences. Under Section 60AA authorisations, any constable can require a person to remove or seize any item the constable reasonably believes the person is wearing wholly or mainly for the purpose of concealing his identity. The new measure will largely mirror Section 60AA, however an offence will be committed the moment that an individual is wearing or otherwise using an item that conceals their or another person's identity in a designated locality. However, as noted above, the new measure explicitly provides for a defence where an individual is wearing an item for health reasons.

The Department therefore considers the measures to be a proportionate means of achieving the legitimate aim of preventing crime and public disorder and protecting the rights of others.

Gender Reassignment

Indirect Discrimination

Certain protests, depending on the cause they represent, may be attended by a greater than average proportion of people with a particular protected characteristic. For example, if there

was a protest with respect to discrimination faced by transgender individuals, protesters at that protest could be more likely to belong to this protected group. As with the use of all public order powers, the Department expects the police to apply the measures in this Act in a fair and proportionate manner that carefully considers individuals' freedoms of religion, expression and assembly under the Human Rights Act 1998, in light of the prohibition from discrimination also contained in the ECHR (Article 14), as well as the protected characteristics of anyone at the protest whilst complying with the Equality Act 2010.

The Department considers that this is sufficient to ensure that the rights of these individuals' and groups are protected, and, as above, considers the measures to be a proportionate means of achieving the legitimate aim of preventing crime and public disorder and protecting the rights of others.

Race

Indirect Discrimination

Certain protests, depending on the cause they represent, may be attended by a higher-than-average proportion of individuals with a particular protected characteristic. For example, if there was a protest with respect to racial inequalities, protesters at that protest may be more likely to be from non-white backgrounds. As with the use of all public order powers, the Department expects the police to apply the measures in this Act in a fair and proportionate manner that carefully considers the individual's freedoms of religion, expression and assembly alongside the prohibition from discrimination under the Human Rights Act 1998 under the Human Rights Act 1998, as well as the protected characteristics of anyone at the protest. The police are required to comply with the Equality Act 2010. The Department considers that this is sufficient to ensure that the rights of these individuals' and groups are protected.

In any event, the Department considers that the measures are a proportionate means of achieving the legitimate aim of preventing crime and public disorder and protecting the rights of others.

Religion or belief

Indirect Discrimination

Certain protests, depending on the cause they represent, may be attended by a greater than average proportion of individuals with a particular protected characteristic. For example, if there was a protest with respect to the persecution of individuals who share a common faith, or another cause relevant to a particular faith, protesters at that protest could be more likely to be of that faith.

Given certain religious events involve the use of fireworks there is a risk that there will be a greater impact on persons of those religions as, for example, people may have concern about taking fireworks to such an event. However, the ban on the possession of pyrotechnic articles for protest participants will not impact religious events which use pyrotechnics as they are not protests. To mitigate concern among the public, the provisions expressly exclude cultural and religious events with an established history of pyrotechnic use. For example, the use of pyrotechnics for public Diwali celebrations, a religious festival celebrated by followers of Hinduism, Jainism and Sikhism, would not be impacted by this measure.

Having a ban on concealing identity in a particular locality could have a chilling effect on the ability to protest of individuals who wear face coverings for religious purposes. There is a risk that there may be an indirect impact on those who wear religious items such as a burka or niqab as part of religious observance in the sense that, with the introduction of the new measure, those individuals may feel more uneasy about attending protests than they ordinarily would for fear of being criminalised. This means that these individuals could be indirectly affected by the concealing identity measure in that those who do not wear religious coverings would not experience this same uneasiness and reluctance to attend protests. However, the offence has been designed to include an explicit defence for those wearing items for religious purposes. Therefore, individuals wearing face coverings for religious purposes will not be committing the offence.

The concealing identity authorisation will be similar to the current Section 60AA Criminal Justice and Public Order Act 1994 authorisations which are issued by the police in relation to particular areas when they reasonably believe that protest activities are likely to involve the commission of offences. Under Section 60AA authorisations, any constable can require a person to remove or seize any item the constable reasonably believes the person is wearing wholly or mainly for the purpose of concealing his identity. The new measure will largely mirror Section 60AA, however an offence will be committed the moment that an individual is wearing or otherwise using an item which conceals their identity in a designated locality.

Notwithstanding the above impacts, the measures are considered to be a proportionate means of achieving the legitimate aim of preventing crime and public disorder and protecting the rights of others, particularly in the light of the duty on the police to exercise their powers in a manner that is compliant with equalities and human rights legislation.

As with the use of all public order powers, the Department expects the police to apply the measures in this Act in a fair and proportionate manner that carefully considers the individual's freedoms of religion, expression and assembly alongside the prohibition from discrimination under the Human Rights Act 1998, as well as the protected characteristics of anyone at the protest. The police are required to comply with the Equality Act 2010. The Department considers that this is sufficient to ensure that the rights of these individuals' and groups are protected.

Sex

Indirect Discrimination

Certain protests, depending on the cause they represent, may be attended by individuals with a particular protected characteristic. For example, protests about women's rights could see a greater than average number of protesters who are women in attendance.

As with the use of all public order powers, the Department expects the police to apply the measures in this Act in a fair and proportionate manner that carefully considers the individual's freedoms of religion, expression and assembly alongside the prohibition from discrimination under the Human Rights Act 1998, as well as the protected characteristics of anyone at the protest. The police are required to comply with the Equality Act 2010. The Department considers that this is sufficient to ensure that the rights of these individuals' and groups are protected.

Having a ban on concealing identity in a particular locality would be more likely to impact women as the custom of wearing a face covering as part of religious observance usually applies to women of certain faiths, rather than to men of the same faiths. There is a risk that there may be an indirect impact on women who wear religious face coverings in the sense that, with the introduction of the new measure, these women may feel more uneasy about attending protests than they ordinarily would for fear of being criminalised. This means that women could be indirectly affected by the concealing identity measure. However, the offence has been designed to include an explicit defence for those wearing face coverings for religious purposes. Therefore, women wearing face coverings for religious purposes will not be committing the offence.

The concealing identity authorisation will be similar to the current Section 60AA Criminal Justice and Public Order Act 1994 authorisations which are issued by the police in relation to particular areas when they reasonably believe that protest activities are likely to involve the commission of offences. Under Section 60AA authorisations, any constable can require a person to remove or seize any item the constable reasonably believes the person is wearing wholly or mainly for the purpose of concealing his identity. The new measure will largely mirror Section 60AA, however an offence will be committed the moment that an individual is wearing or otherwise using an item which conceals their identity in a designated locality. Given the mitigation of the specific defence relating to religious reasons in relation to the offence of concealing identity, and the duties on the police in the exercise of their powers, the Department considers the measures to be a proportionate means of achieving the legitimate aim of preventing crime and public disorder and protecting the rights of others.

Sexual Orientation

Indirect Discrimination

Certain protests, depending on the cause they represent, may be represented by a higher-than-average proportion of people with a particular protected characteristic. For example, if there was a protest with respect to inequalities that are linked to sexual orientation, protesters at that protest could be more likely to belong to that protected group. As with the use of all public order powers, the Department expects the police to apply the measures in this Act in a fair and proportionate manner that carefully considers the individual's freedoms of religion, expression and assembly alongside the prohibition from discrimination under the Human Rights Act 1998, as well as the protected characteristics of anyone at the protest. The police are required to comply with the Equality Act 2010. The Department considers that this is sufficient to ensure that the rights of these individuals' and groups are protected.

Knife Crime Measures

Age

Direct Discrimination

The legislation will apply irrespective of age. This approach aligns with current knife legislation offences. Therefore, the Department does not think that there would be any direct discrimination on the basis of the protected characteristic of age. In the year ending March 2022, 86% of relevant sentences were for adults. This means far more adults are likely to be sentenced.

At the same time, looking at admissions to hospital figures, rather than sentencing figures, in order to look at what section of the population are affected by knife crime irrespective of whether a charge has been made, more adults than children are admitted to hospital after being assaulted with a sharp instrument. Between April 2022 and September 2022, the peak age for such admissions was in the 10-19 age category (7.3 admissions per 100,000 population), and the peak age for victims of homicide in the year ending March 2022 was 16-24 (122 of 696 victims). Therefore, interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to these age groups.

Indirect Discrimination

Adults between the ages of 20-29 and 30-39 are admitted to hospital for assault by sharp instrument at a higher rate (6.6 and 4.4 per 100,000 population, respectively) in comparison to other adult ages groups. 25-34 year olds made up 16% of homicide victims in year ending 2022 (114 of 696 victims). As a result, there may be a positive impact for adults, in particular, those aged 20-39, as interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, adults).

Race

Indirect Discrimination

There may be a disproportionate impact of the legislation on the black male population because they are sentenced at a higher rate for offences involving knives and offensive weapons, with black adults sentenced at a rate of 124 individuals per 100,000 black adults in comparison to 21 per 100,000 for white adults. It is possible that black people, in particular males, will receive convictions at a higher rate. In principle, 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.

However, the statistics show that people from black, Asian and other ethnic minority groups are more likely to be admitted to hospital after being assaulted with a sharp instrument and be victims of homicide. Therefore, interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, black, Asian and ethnic minority groups).

Sex

Indirect Discrimination

The Home Office expects most convictions to be for people who are male. This is because more males are sentenced for offences involving knives and offensive weapons than females. In the year ending March 2023, 93% of people sentenced were male. In the adult population, it is estimated that 48 males were sentenced for relevant offences per 100,000 adult men, compared to 3 women sentenced per 100,000 adult women. Therefore, the statistics suggest that males are more likely to be convicted under the new legislation. However, the proposals outlined in this document will apply irrespective of the protected

characteristics of sex. Any disproportionate impact, however, can be objectively justified as a means of achieving the legitimate aim of reducing knife crime.

91% of those admitted to hospital for assault by sharp objects are male. Males are also disproportionately admitted to hospital for assault by sharp objects. They are admitted at a rate of 5.8 per 100,000, as opposed to less than 0.6 female per 100,000. Therefore, interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, males).

Assaulting a Retail Worker

Age

Indirect Discrimination

There is a perception that offenders for shop theft are young/adolescents, however the data for those who are caught and convicted from MoJ shows that offenders aged 30 to 49 accounted for more than two-thirds (69.1%) of sentencing occasions for shop theft (20,003 occasions) in the year ending December 2023. The Department therefore notes there may be a differential impact on those aged 30-49 if a new offence of assaulting a retail worker is introduced, though this is considered objectively justified in meeting the Government's aim of tackling retail crime.

Race

Indirect Discrimination

White offenders currently make up 63.1% of those convicted for shop theft (MoJ, YE December 2023). The Department therefore notes that there may be a differential impact on white offenders if a new offence of assaulting a retail worker is introduced, though this is considered objectively justified in meeting the Government's aim of tackling retail crime.

Sex

Indirect Discrimination

Across all age ranges (age 10+), male theft from shop offenders accounted for around three-quarters (74%) of sentencing occasions (MoJ, YE December 2023). However, theft from shop has the highest proportion of female offenders than other acquisitive crimes (26% for theft from shops compared to 6.5% for robbery). The Department therefore notes that there may be a differential impact on male offenders if a new offence of assaulting a retail worker is introduced, though this is considered objectively justified in meeting the Government's aim of tackling retail crime.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where advancing equality of opportunity is not addressed, that is because at this time the Department has assessed that the measures will not have a positive or negative

effect on advancing equality of opportunity between people who share a protected characteristic and people who do not share; the Department will keep this under review and update as necessary.

Respect Orders, Further ASB Measures and Seizure of Vehicles

Age

The proposed measures aim to tackle ASB. While CSEW data for year ending March 2024 showed respondents aged 65-74 (33%) and 75+ (21%) were least likely to report experiencing ASB and beyond this, there was not much difference between age groups – according to HMICFRS- commissioned research in to *Personal, situational and incidental vulnerabilities to anti-social behaviour harm: a follow- up study*²³ that the vulnerability of victims is important and that this grows with age in reference to health vulnerability in particular. Therefore, these measures have the potential to improve quality of life and opportunities for elderly people as well as those in the age groups more likely to report experiencing ASB.

Introducing a requirement for relevant agencies to complete a risk assessment prior to applying for a Youth Injunction will provide further safeguards to ensure that powers are appropriate and proportionate for young people. This may help to remove disadvantages that may be suffered by people with this protected characteristic by considering their vulnerabilities as a whole and if there are alternative interventions that may be more appropriate.

Disability

Disabled people are also more likely to perceive higher rates of ASB in their local area. Therefore, the proposed changes to the ASB Powers may address this pre-existing disadvantage and have the potential to improve quality of life and opportunities for people who share this protected characteristic. Introducing a requirement for relevant agencies to complete a risk assessment prior to applying for a Respect Order will provide further safeguards for people with disabilities and ensure that protected characteristics are taken into account. This will mean Respect Orders are applied appropriately and proportionately. This may help to remove disadvantages that may be suffered by people with this protected characteristic by considering their vulnerabilities as a whole and if there are alternative interventions that may be more appropriate.

Race

The CSEW outlines that those with Mixed/Multiple ethnic backgrounds are more likely to experience high levels of ASB and, within these groups, specific ethnicities are particularly acutely affected. By reducing levels of ASB in general this measure may reduce some of these disadvantages and improve quality of life and opportunities for people who share this protected characteristic.

Religion or Belief

According to the CSEW, in the year ending March 2024, Muslims were more likely to perceive high levels of ASB in their local area than Christians, Hindus or those with no religion. The

²³ <https://hmicfrs.justiceinspectores.gov.uk/publications/personal-situational-and-incident-vulnerabilities-to-anti-social-behaviour-harm-a-follow-up-study/>

proposed changes to the ASB Powers could advance equality of opportunity for Muslims by seeking to reduce ASB in general.

Sexual Orientation

As gay/lesbian and bisexual people are more likely to perceive higher rates of ASB in their area, the proposed changes to the ASB Powers could therefore advance equality of opportunity between gay/lesbian individuals and heterosexual people.

Public Order Measures

These measures will not positively advance the equality of opportunity between people who share a protected characteristic and those who do not. However, the measures have been designed to mitigate the effects on certain groups as set out above, and the Department considers this will reduce the risk of individuals from those groups feeling unable to exercise their right to protest.

Knife Crime Measures

Age

People may be disadvantaged by the introduction of the legislation because of their age. This is because adults are sentenced for relevant offences at a higher rate.

However, adults between the ages of 20-29 and 30-39 are admitted to hospital for assault by sharp instrument at a higher rate (6.6 and 4.4 per 100,000 population, respectively) in comparison to other adult ages groups. The peak age for victims of homicide in the year ending March 2022 was 16-24 (122 of 696 victims).

Race

The statistics show that people from ethnic minority groups are more likely to be admitted to hospital after being assaulted with a sharp instrument. The proposed legislation will help the police to take targeted action to break the cycle of offending and to protect our communities from harm, including people from ethnic minority backgrounds.

Sex

The statistics show males are disproportionately admitted to hospital for assault by sharp objects. The new legislation will help the police to take targeted action to break the cycle of offending and to protect our communities from harm, including males.

Assaulting a Retail Worker

There is no readily available data on whether people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation are more or less likely to be victims of the offences committed against retail workers. The Department is therefore unable to say whether the option considered will advance equality of opportunity.

Sex

ONS workforce series data (2023)²⁴ shows that in the UK, the percentage of men and women who work in the wholesale and retail sector is very similar, at 12% for women and 13% for men. For women, wholesale and retail is the sector with the second highest employment rate (12%), after health and social work (21%). Data from the Association for Convenience Stores (ACS) shows that in the convenience store sector, more employees are female than male (65% female, and 35% male)²⁵. The Department therefore notes that female employees may be affected more if a new offence of assaulting a retail worker is introduced.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Department has considered whether these measures will foster good relations between people who share a protected characteristics and persons who do not share it. Where a measure is not addressed, the Department has not identified any impacts; this will be kept under review.

Respect Orders, Further ASB Measures and Seizure of Vehicles

The Home Office has not identified any evidence to suggest proposed measures will directly foster good relations between people who share protected characteristics and persons who do not share protected characteristics, with regard, to age, disability, gender reassignment, maternity and pregnancy, race, religion or belief, sex, or sexual orientation.

The Respect Order, Youth Injunction and Housing Injunction, will however, include a requirement for the lead agency to carry out a risk assessment when applying for an Order or Injunction, which may help agencies foster a culture where they take into account protected characteristics. Additionally, it will implore agencies to consider lived experiences when making decisions and work collaboratively with other agencies when doing so.

Public Order Measures

The measures help to make sure that the police have the necessary powers to manage protests effectively. This legislation provides clarity regarding what both the police and protestors can and cannot do. The Department expects the police to continue to maintain open communication with protestors throughout their protests.

Police Liaison Teams (PLT) have been used by the police to interact with protestors, the HMICFRS report has found that PLTs had generally developed good relationships across a network of protest groups.

The Department has also considered and taken into account the possibility that the decisions to use the measures will be viewed differently by different groups and those with different characteristics. For example, some groups may criticise the police for being too

²⁴ [SN06838.pdf \(parliament.uk\); workforce jobs by industry - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](#)

²⁵ [ACS \(2024\): The local shop report 2024](#)

heavy handed in how they deal with a particular protest, while others will say they were not sufficiently robust. The public may also draw comparisons between the policing of different protests where protests are championing competing views. Either situation may negatively impact relations between people who share a protected characteristic and those who do not. By providing clarity regarding whether particular acts are covered by criminal offences, the new legislation offers transparency as to how particular actions should be policed. This should improve relations between those who do and do not share protected characteristics.

The police and Government are aware of the issues of managing protests even-handedly irrespective of the cause they seek to promote. The police continuously make efforts to learn from the management of past protests and listen and learn from criticism from third parties to ensure that their use of powers is fair and proportionate, regardless of the type of protest being managed.

Knife Crime Measures

Race

Evidence suggests that black people have lower confidence in the police than those from a white background – with 49% of those from a Black Caribbean background saying they tend to or strongly agree that they have overall confidence in local police, in comparison to 68% of those from a white background.²⁶

There may be a negative impact on community and police relations if the policy is implemented or operationalised poorly. However, the Department will work with the police to ensure that adequate training is provided to mitigate this risk. Conversely, there may be an improvement in community and police relations where the police are better able to prevent criminals from carrying knives and other weapons on the streets.

The statistics show that ethnic minorities are more likely to be victims of violent crime and to be admitted to hospital after being assaulted with a sharp instrument. There may therefore be a positive impact for the relations between people from ethnic minority backgrounds and the police, if as a result of the legislation and related activity, there are fewer victims of knife crime.

Sex

More males are sentenced for offences involving knives and offensive weapons than females.

However, the statistics show that people from black, Asian and other ethnic minority groups are more likely to be admitted to hospital after being assaulted with a sharp instrument and be victims of homicide. Therefore, interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, black, Asian and other ethnic minority groups).

²⁶ Office for National Statistics (2021). "Perceptions of the police" *in* Annual Supplementary Tables. Available at: [Crime in England and Wales: Annual supplementary tables - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/crime-in-england-and-wales/annual-supplementary-tables) (Accessed: 10/05/21)

Assaulting a Retail Worker

This policy is focussed on protecting the public from crime and reducing crime. As such, the Department does not anticipate that these measures will negatively or positively affect the fostering of good relations between people who share a protected characteristic and those who do not.

4. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

The Department has considered any mitigations from any negative impacts that this assessment has identified. Where a measure is not addressed, the Department has not identified any negative impacts; this will be kept under review.

Respect Orders, Further ASB Measures and Seizure of Vehicles

The Home Office has published statutory guidance to support local areas to make effective use of the powers. The guidance will be updated, where necessary, to mitigate any negative impacts associated with the proposed changes. The Department will underline the importance of practitioners applying the ASB powers in an appropriate and proportionate way, taking into account the protected characteristics when making decisions.

Police vehicle seizure powers are a well-established procedure, currently a warning is issued, and seizure occurs if the ASB is repeated. This proposal will remove the requirement for the police to provide a warning under legislation allowing for an easier method of seizure to tackle ASB. Police will continue to have the discretion to issue a caution/warning as they may consider appropriate in any particular circumstances. The Department will work with College of Policing on whether guidance is needed on the proportionality on the appropriateness of when to give advice to rectify behaviour or when to seize a vehicle.

The College of Policing's national decision model (NDM) structures a rationale of what they did during an incident and why and [review decisions](#) and actions, and promote learning. NDM encourages officers and staff to act in accordance with the [Code of Ethics](#) and use their discretion where appropriate.

Public Order Measures

The Department has assessed the way the police manage protests and how that has a bearing on equality of opportunity. The proposed changes to legislation potentially affect all individuals in England and Wales, regardless of their protected characteristics. The Department has highlighted how protests linked to particular causes may be attended by large groups of individuals with protected characteristics. These characteristics will need to be considered by police when making use of the powers and the way each protest is handled is unique to its circumstances given the need for the police to comply with the Equality Act 2010.

The police make effective use of national guidance and structures to ensure a consistent approach across forces in policing protests. The NPCC also work closely with the College of

Policing (CoP) to update operational advice for forces responding to protests, whilst the CoP's Authorised Professional Practice is regularly updated to provide guidance to officers on the effective use of their powers in respond to protests. The CoP and Crown Prosecution Service will update relevant public order guidance to reflect the inclusion of the new offences. Public bodies are required to consider their human rights obligations.

Any negative impacts from the offence which bans concealing identity in a designated area on individuals who wear face coverings for religious or medical reasons will be mitigated and assisted by the fact that the police will be applying a similar test to that they have been using under the current Section 60AA provision. The police will therefore already be aware that those wearing face coverings for religious or medical reasons should not be captured in the scope of the new offence.

It is built into the legislation of the concealing identity offence that a constable who designates a locality must ensure that all reasonable steps are taken to properly notify the public of the fact to that the designation has been made, the nature of the offence, the locality to which the designation applies and the period during which the designation will be in force. The methodology used to deliver the notification will be an operational matter for the police, but the outcome will be that all members of the public, including those with accessibility challenges, such as those with language barriers or disabilities, should be properly notified on all necessary details of both the designation and the offence.

Both government and the police should consult training and education material to ensure powers are used effectively. Existing guidance, for example the revised code of practice (England, Wales, and Scotland) for the exercise of stop and search powers, may assist with their approach to religious or medical face coverings under the new offence. The Home Office will work closely with the College of Policing to ensure that any new guidance mitigates the risks that come with the measures.

Knife Crime Measures

The Department's view is that the policy will not impact on any of the protected characteristics. However, if the policy is implemented poorly there may be negative impacts on males who are most likely to be convicted of knives and offensive weapons offences. In order to mitigate the risk that the policy is not applied correctly, the Home Office will work with the police to ensure that adequate training is provided.

5. Review Date

The proposals considered in this document will be reviewed throughout the legislative process and will be subject to the normal post-legislative review three to five years after Royal Assent.

6. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SRO Sign Off:

Anti-Social Behaviour: Paul Regan, Head of Neighbourhood Crime Unit

Public Order: Andy Johnson, Head of Police Powers Unit

Knife Crime: Nick Hunt, Head of Firearms and Offensive Weapons Policy Unit

Assaulting a Retail Worker: Paul Regan, Head of Neighbourhood Crime Unit

Lead Contact: CrimeandPolicingBillTeam@homeoffice.gov.uk

Date: 6 February 2025

For monitoring purposes all completed EIA documents must be sent to psed@homeoffice.gov.uk

EIA enquiries must also be sent to psed@homeoffice.gov.uk

Date sent to PSED Team: 6 February 2025