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Public Bill Committee

POLICE, CRIME, SENTENCING AND COURTS BILL

Fifteenth Sitting

Thursday 17 June 2021

(Morning)

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Monday 21 June 2021

The Committee consisted of the following Members:

Chairs: † Steve McCabe, Sir Charles Walker

† Anderson, Lee *(Ashfield)* (Con)
† Atkins, Victoria *(Parliamentary Under-Secretary of State for the Home Department)*
Baillie, Siobhan *(Stroud)* (Con)
† Champion, Sarah *(Rotherham)* (Lab)
† Charalambous, Bambos *(Enfield, Southgate)* (Lab)
† Clarkson, Chris *(Heywood and Middleton)* (Con)
† Cunningham, Alex *(Stockton North)* (Lab)
† Dorans, Allan *(Ayr, Carrick and Cumnock)* (SNP)
† Eagle, Maria *(Garston and Halewood)* (Lab)
† Goodwill, Mr Robert *(Scarborough and Whitby)* (Con)
Higginbotham, Antony *(Burnley)* (Con)
† Jones, Sarah *(Croydon Central)* (Lab)
† Levy, Ian *(Blyth Valley)* (Con)
† Philp, Chris *(Parliamentary Under-Secretary of State for the Home Department)*
† Pursglove, Tom *(Corby)* (Con)
† Wheeler, Mrs Heather *(South Derbyshire)* (Con)
† Williams, Hywel *(Arfon)* (PC)

Huw Yardley, Sarah Thatcher, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 17 June 2021

(Morning)

[Steve McCabe *in the Chair*]

Police, Crime, Sentencing and Courts Bill

11.30 am

The Chair: Good morning. Before we begin, let me remind you of the preliminaries. I remind Members to switch electronic devices to silent; that Mr Speaker does not permit food or drink during the Committee; to observe social distancing and only sit in the appropriate seats; and to wear face coverings in Committee unless you are speaking, obviously, or are exempt. If you could pass any speaking notes to *Hansard*, they would be very grateful.

The selection list for today's sitting is available in the room. I remind Members wishing to press a grouped amendment or a new clause to a Division to indicate their intention when speaking to their amendment.

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): On a point of order, Mr McCabe. Colleagues will recall that I made the point on Tuesday that the cliff edge for an extended determinate sentence, referred to by the hon. Member for Stockton North, can occur where an EDS prisoner is recalled and then serves the remainder of their custodial sentence and licence period in prison. I am sure Committee members knew that, but for absolute clarity I thought I would put it on the record.

The Chair: Thank you; that is very helpful.

Clause 139

Serious violence reduction orders

Sarah Jones (Croydon Central) (Lab): I beg to move amendment 101, in clause 139, page 128, line 42, at end insert—

"(9A) If the order is made before regulations have been made under section 175(1) of the Police, Crime, Sentencing and Courts Bill for the coming into force of section 139 of that Act for all purposes and in relation to the whole of England and Wales, the court must, in every case where the prosecution makes an application under paragraph (b) of section 342A(1) for a serious violence reduction order to be made, set out in writing its reasons for making, or not making, such an order."

This amendment would require the court, during any pilot of serious violence reduction orders, to set out in writing its reasons for making or not making such an order.

The Chair: With this it will be convenient to discuss the following:

Amendment 103, in clause 139, page 133, line 43, at end insert—

"(3A) Guidance under this section must include guidance on the intelligence, community information and risk factors that are to be considered before an application is made for the imposition of a serious violence reduction order."

Clause stand part.

Amendment 99, in clause 140, page 134, line 33, leave out "and (3)" and insert "(3) and (3A)"

Amendment 98, in clause 140, page 134, line 42, at end insert—

"(3A) The report under subsection (3) must include—

(a) information on the ethnicity of people made subject to a serious violence reduction order;

(b) information on the number of people made subject to a serious violence reduction order where there is no evidence of their having handled a weapon, either in the incident resulting in the imposition of the order or previously;

(c) information on the number of people stopped by a police officer in the belief that they are subject to a serious violence reduction order, broken down by ethnicity (collected on the basis of self-identification by the person stopped), and including information on the number of times any one individual is stopped;

(d) analysis of the distribution of serious violence reduction orders in relation to the ethnic make-up of the population;

(e) an equality impact assessment including an assessment of the impact of the pilot on the groups mentioned in the equality statement produced before the pilot is commenced;

(f) analysis of data assessing the extent to which the pilot has reduced serious violent crime and reoffending by comparison with other areas;

(g) an assessment by the Sentencing Council of the proportionality of the distribution of the imposition of serious violence reduction orders;

(h) analysis of (i) the impact of the length of time for which a serious violence reduction order is imposed on reoffending and (ii) the extent to which the length of time for which a serious violence reduction order is imposed has harmful impacts on the life of the individual who is subject to it;

(i) an assessment of the impact of the imposition of serious violence reduction orders on the use of 'stop and account' in the pilot area or areas;

(j) feedback from Community Scrutiny Panels on scrutiny of body-worn video of all stops of people subject to, or believed to be subject to, a serious violence reduction order;

(k) analysis of any adverse impact of the imposition of serious violence reduction orders, undertaken on the basis of interviews with (i) people subject to a serious violence reduction order and (ii) organisations working with young people, in addition to any other information considered relevant by the person conducting the analysis;

(l) analysis of who is made subject to a serious violence reduction order, what evidence is relied on to justify the imposition of such orders, and whether there is any bias in the decision-making process;

(m) analysis of information on the reason for each breach of a serious violence reduction order;

(n) analysis of the extent to which searches made under the powers granted by this Part could have been carried out under other powers.

(3B) Statistical information collected for the purposes of section (3A) from different pilot areas must be collected and presented in a form which enables direct comparison between those areas."

Amendment 100, in clause 140, page 134, line 42, at end insert—

"(3A) The condition in this subsection is that consultation on the report under subsection (3) has been undertaken with anyone the Secretary of State considers appropriate, including—

(a) representatives of the voluntary sector, and

(b) representatives of communities disproportionately represented in the criminal justice system."

Amendment 102, in clause 140, page 135, line 2, at end insert—

"(4A) Regulations under section 175(1) which bring section 139 into force only for a specified purpose or in relation to a specified area—

(a) must include provision bringing into force section 342J of the Sentencing Code (Guidance); and

(b) must provide that section 139 may come into force for other specified purposes or in relation to specified areas only once guidance has been issued under section 342J of the Sentencing Code."

This amendment would require the Secretary of State to issue guidance on serious violence reduction orders before any pilot could commence.

Amendment 104, in clause 140, page 135, line 2, at end insert—

"(4A) The powers under section 342A(2) of the Sentencing Code are exercisable before the power in section 175(1) has been exercised so as to bring section 139 into force for all purposes and in relation to the whole of England and Wales only if every officer of any police force in an area in relation to which section 139 has been brought into force has completed the College of Policing two-day training on stop and search."

This amendment would require all police officers in a pilot force area to have completed the College of Policing training on stop and search before the power to impose serious violence reduction orders could be used.

Clause 140 stand part.

Sarah Jones: It is a pleasure to serve under your chairmanship again, Mr McCabe. Part 10, chapter 1, introduces serious violence reduction orders. Officers would be allowed to search people with an SVRO without reasonable grounds and without authorisation, which would be an unusual stop-and-search power. In effect, SVROs are not only a new court order, but a new stop-and-search power.

Clauses 139 and 140 specifically encourage officers to search people with previous convictions. The only safeguard in the Bill is the fact that the court decides whether to apply an SVRO on a conviction or not. Once an individual has an SVRO, officers would not have to meet any legal test in order to search them for an offensive weapon.

The context is that, on this Government's watch, there have been record levels of serious violence. Despite the fall in violent crime during the first lockdown, it exceeded the levels of the previous year by the summer; between July and September 2020, it was up 9% compared to the same period in 2019. Violent crime has reached record levels, with police dealing with 4,900 violent crimes a day on average in the last year. The police have recorded rises in violence nationally since 2014, and violence has more than doubled in the past five years. In the year ending September 2020, violence against the person reached 1.79 million offences—its highest level since comparative records began in 2002-03.

Even during the last year, knife crime increased in 18 out of the 43 forces—44% of forces—despite the effects of lockdown. In the last year, violence made up nearly a third of all crime dealt with by the police; it was up from 16% when the Tories took office and 12% in 2002-03. Reports of violent crime have increased in every police force in the country since 2010. In four fifths of forces, violent crime has at least doubled, and knife crime reached its highest level on record in 2019-20, having almost doubled since 2013-14. There is clearly much to be done.

On the flip side, more and more violent offenders are getting away with their crimes; charge rates for violent offences have plummeted from 22% in 2014-15 to just 6.8% in 2019-20. While the total number of violent crimes recorded has more than doubled in the last 6 years, the number of suspects charged has fallen by a quarter, and the number of cases where no suspect is identified at all has nearly trebled. It is clear that the Government have a serious problem; they have let serious violence spiral out of control.

Earlier in Committee, we discussed the prevention of serious violence, and I put forward various amendments to improve clauses that we broadly welcomed. We talked about the way that violence drives violence, and said that if the Government want to properly follow a public health approach to tackling serious violence, they cannot treat it as though it happened in a vacuum. We need a proper public health approach to tackling violence that addresses the root causes of why people fall into crime, with early intervention to significantly impact the lives of vulnerable young people and communities.

It is hard to be persuaded that more sweeping powers to stop and search people with previous convictions will reduce serious violence. There is little evidence that stop-and-search is an effective deterrent to offending. That is not to say that it is not an important tool; it absolutely is and we all agree with that—nobody is saying otherwise. It is part of the police's armoury when it comes to tackling crime.

Stop-and-search is more effective at detecting criminals, but most searches result in officers finding nothing. The key figure, which it is always important to look at, is the proportion of searches that actually result in finding something. Only around 20% of searches in 2019-20 resulted in a criminal justice outcome—an arrest or an out-of-court disposal—linked to the purpose of the search.

While evidence regarding the impact on crime is mixed, the damaging impact of badly targeted or badly conducted stop-and-searches on community relations with the police is widely acknowledged, including in my community in Croydon, where the police have put a lot of work into building community relationships to try to bridge that gap.

Sarah Champion (Rotherham) (Lab): Is my hon. Friend interested, as I am, to see what the Government plan to do to rebuild that trust with communities, which has, unfortunately, unravelled over the last few years?

Sarah Jones: My hon. Friend makes an important point. We should remind ourselves of this: if I faced a crime, I would immediately call the police—they are the people I trust to fix it—but there are communities in our country who do not have that trust, and who do not think that calling 999 will help them, or keep them safe. We must act on that. Following Black Lives Matter and the death of George Floyd, the police in Croydon have reached out to the young black men in our community to try to build relationships. That is exactly what we should do, and it is something that all the national police organisations are looking to do.

The Library states that

"Available statistical analysis does not show a consistent link between the increased use of stop-and-search and levels of violence".

[Sarah Jones]

I do not often point to the Prime Minister as an example of good practice, but in every year while he was Mayor of London, the number of stop-and-searches went down in London, as did violent crime. Interestingly, he was following a slightly different course from the one he now advocates as Prime Minister.

The College of Policing has concluded that stop-and-search should be used "carefully" in response to knife crime. The Home Office's research found that the surge in stop-and-search during Operation Blunt 2 had

"no discernible crime-reducing effects".

A widely cited study that was published in the *British Journal of Criminology* and analysed London data from 2004 to 2014 concluded that the effect of stop-and-search on crime is

"likely to be marginal, at best".

The research found

"some association between stop-and-search and crime (particularly drug crime)",

which I will come back to, but concluded that the use of the powers

"has relatively little deterrent effect".

Most searches result in officers finding nothing. Officers found nothing, as we have talked about, in nearly 80% of searches in 2019-2020. Searches for drugs were more successful than average, with about 25% linked to an outcome.

The Prime Minister and the Home Secretary, when they talk about stop-and-search, talk about getting knives off the streets. However, the searches for offensive weapons and items to be used in burglary, theft or fraud were the least likely to be successful—9% were linked to a successful outcome. The results are even lower for pre-condition searches, or section 60 searches, as they are called, although the only reason officers can use the power is to search for a knife or an offensive weapon. This is a very stark statistic: in 2019-20, only 1.4% of pre-condition searches led to officers finding a knife or offensive weapon. Nearly 99% of searches did not find an offensive weapon, and obviously that has taken a huge amount of police time and resources.

In February 2021, Her Majesty's inspectorate of constabulary and fire and rescue services published the findings of a review of 9,378 search records, 14% of which had recorded grounds that were not reasonable, and the inspectorate said the vast majority of search records had weak recorded grounds. There is a real lack of clarity on both the success of stop-and-search, and the Government's messaging on it. They say it is to tackle knife crime and break the cycle of weapon carrying, in the interests of keeping our community safer, but actually the figures for finding a weapon are really low. The Government need to be clear about what the purpose of stop-and-search is. It seems to be that most of the positive results are in finding drugs, yet in communications they say it is about protecting families from the scourge of knife crime.

Around 63% of all reasonable-grounds searches in 2019-20 were conducted to find controlled drugs. HMICFRS says,

"The high prevalence of searches for possession of drugs…indicates that efforts are not being effectively focused on force priorities."

What the Government do not talk so much about is the outcome of these searches; if only 20% last year resulted in an outcome, what were the Government doing with this data—what are the results? What are they doing to try to measure and improve outcomes?

It is, of course, imperative that we pass legislation to keep the public safe, but these measures are not a proportionate way of protecting the public. They risk further entrenching disparities, and there is little evidence that they would have the crime reduction impact that the Government intend. The worry is that introducing more stop-and-search powers without reasonable grounds will only serve to stoke division, and not necessarily have the intended outcome.

We have sought to amend clauses 139 and 140, and I will get to the amendments later, but first I want to set out a number of problems that could arise if these clauses were to become law. The inspectorate and the Independent Office for Police Conduct both raised concerns about reasonable grounds not being used or recorded properly. As the College of Policing recognises, requiring that objective and reasonable grounds be established before police can exercise their stop-and-search powers is key to their decision making. However, the serious violence reduction orders in these clauses will require no reasonable grounds or authorisation. When Nina Champion from the Criminal Justice Alliance gave evidence to this Committee, she said:

"Of course, we all want to reduce knife crime, but…We worry about these very draconian and sweeping police powers to stop and search people for up to two years after their release without any reasonable grounds. Reasonable grounds are an absolutely vital safeguard on stop and search powers, and to be able to be stopped and searched at any point is a very draconian move that, again, risks adversely impacting on those with serious violence reduction orders. For young people who are trying to move away from crime, set up a new life and develop positive identities, to be repeatedly stopped and searched, labelled and stigmatised as someone still involved in that way of life could have adverse impacts. It could also have impacts on the potential exploitation of girlfriends or children carrying knives for people on those orders. There could be some real unintended consequences from these orders."—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee,* 18 May 2021; c. 156, Q265.]

Many different organisations have raised concerns about the measures in clauses 139 and 140. When I have spoken to police officers about them, they say that the clauses almost came out of the blue; it does not seem that these clauses come from the police, and they do have concerns about how they will enforce them.

Allan Dorans (Ayr, Carrick and Cumnock) (SNP): Does the hon. Lady agree with the Metropolitan Police Commissioner and me that stop-and-search powers used properly and effectively can save lives, especially among young black men?

11.45 am

Sarah Jones: Stop-and-search is an important tool; I would not argue with that. The key is to make sure that it is used effectively, in conjunction with good local intelligence about where crimes may have been committed. In some of our black communities in London, and some of those I visited in Glasgow, and in certain estates or postcodes, people are experiencing the same overuse of stop-and-search. Where it goes wrong is where there is not intelligence—when people are stopped simply because of how they look. That is the risk. If, under section 60,

police find one knife out of every 100 people stopped, that is a lot of resource; perhaps it is not the most effective way for the police to reduce violent crime. There are concerns about how stop-and-search is implemented, but the hon. Gentleman is right: it is very important.

Clause 139 permits a court to impose an SVRO when it

"is satisfied on the balance of probabilities that a bladed article or offensive weapon was used"

during the offence, or if the offender

"had a bladed article or offensive weapon with them."

An SVRO may be imposed in response to an incident in which a person did not use an offensive weapon, but

"another person who committed the offence"

had such a weapon on them, and the first person

"ought to have known that this would be the case".

This means that that power to stop and search someone anywhere at any time can be imposed on a person despite no evidence of their ever handled a weapon before.

The Bar Council says:

"These proposals place onerous obligations on individuals and may generate significant questions of law in regard to liability for the conduct of others. For example, do the proposals impose a duty of care on individuals to ensure that those with whom they commit criminal offences do not carry knives? How this would be determined as a question of law is unknown. Any such measures ought to be subject to consultation or piloted before being brought into force—it would be important to monitor the extent to which any orders made are based on the 'ought to have known' test rather than proven use/knowledge of a weapon on the part of the individual made subject to the order."

Even section 60, which remains controversial, can be used only for a set period of up to 24 hours in a defined area. However, proposed new section 342D provides that an SVRO can be issued for two years and no less than six months. These orders can be renewed indefinitely, during which time they can run continuously, whenever the person is in a public place.

Clause 139 also creates a new offence of breaching an SVRO, for example

"by failing to do anything required by the order, doing anything prohibited by it, or obstructing a police officer in the exercise of any power relating to it. This would carry a maximum sentence of 12 months imprisonment on summary conviction, two years imprisonment on conviction on indictment, and/or a fine in either case."

Can the Minister provide assurances on how people who question their search, who ask for the legal authority for subjecting them to stop-and-search, or who may not understand the instructions given by a police officer and therefore fail to comply, for whatever reason, will be safeguarded from the offence of breaching an SVRO?

I quote from the written evidence provided by Liberty on clause 139:

"Clause 139 allows the Secretary of State to impose by regulation any 'requirement or prohibition on the offender for the purpose of assisting constables to exercise the powers conferred' by the Bill, as long as the court considers it 'appropriate'. This is remarkably broad. The orders can impose both positive and negative obligations and neither we, nor Parliament, know what they will be, as they will be made in the future by the Secretary of State. This is made more concerning by the lower standard of evidence needed for a court to impose an SVRO."

The Bill makes it clear that it does not matter whether the evidence considered in deciding whether to make an SVRO would have been admissible in the proceedings in which the offender was convicted. Despite this, a person subject to an SVRO may face criminal penalties if they breach it, even if they breach the yet unknown requirements made by the Secretary of State through regulation.

The Bill would insert proposed new section 342J of the sentencing code, which provides the Secretary of State with the power to issue guidance to the police about the exercise of their function in regards to SVROs. The police must have due regard to this guidance. Statutory guidance on stop-and-search is in code A of the Police and Criminal Evidence Act 1984, which is underpinned by a formal scrutiny process, but here we have the publication of separate statutory guidance on SVROs. That is unusual and worrying. PACE code A is not being used as statutory guidance for this incredibly sensitive power.

There is nothing in the Bill about what the guidance will be like or how it will be drawn up and approved. The Bill does not provide the Secretary of the State with the power to issue guidance to other actors in the SVRO process. All relevant persons will be required to have regard to upcoming guidance relating to knife crime prevention orders. A relevant person is defined as one who

"is capable of making an application for a knife crime protection order";

that, as is set out in section 1.3 of the draft KCPO guidance, includes the police and the Crown Prosecution Service.

Like KCPOs, SVROs will be applied to an offender only when an application for one has been made to the court. Only the prosecuting lawyer can apply to the court for an SVRO to be issued. However, the Bill does not provide the Secretary of State with the powers to issue guidance to the CPS on its function to apply for an SVRO to be attached to an offender's conviction. Can the Minister say why? It is vital that guidance be published before the pilots of these orders go ahead.

We are all aware of the impact stop-and-search has on police-community relations. These new sweeping powers will be difficult for the police to apply practically on the ground. Once again, the Government are proposing a law that could lead to a lot of challenges for the police. The Government's response to the consultation on SVROs noted that

"several responses from police forces and officers noted potential challenges around identifying individuals subject to an SVRO".

That is where the guidance becomes incredibly important, but we do not have the detail yet. These searches will be less intelligence-led and risk increasing the chances of police stopping the wrong person.

A major concern we have with these powers is that they could increase disproportionality. The code of practice for statutory powers of stop-and-search, PACE code A, states:

"Reasonable suspicion can never be supported on the basis of personal factors",

and notes that police cannot use, alone or in conjunction, as a basis for stop-and search,

"A person's physical appearance with regard, for example, to any of the 'relevant protected characteristics' set out in the Equality Act 2010…or the fact that the person is known to have a previous conviction".

Alex Cunningham (Stockton North) (Lab): Does my hon. Friend agree that this is yet more evidence that the Government ought to carry out a full impact equality assessment for the whole Bill, never mind the provisions she is addressing?

Sarah Jones: My hon. Friend is right. These issues are very difficult and complex, and we have to make sure we get them right, or the impact on our communities will be great.

Black and minority ethnic people were four times more likely to be searched than white people in 2019-20. Black people in particular were nine times more likely to be searched than white people. In September 2020, the Joint Committee on Human Rights heard evidence that an estimated 85% of black people in the UK were not confident that they would be treated the same as a white person by the police. As I am sure most of us with mixed communities have, I have been in primary school assemblies where I have been asked by young boys why it is that they are being stopped and searched. They are even told by their parents to expect these things, and they learn that this is something that happens. We have to address that, stop it, and make sure we do not make it worse through these orders.

HMICFRS says no force fully understands the impact of the use of stop-and-search powers, and no force can satisfactorily explain why ethnic disproportionality persists in search records. Badly targeted stop-and-search serves to reinforce and create the mistrust between those subjected to it and the police. It is clear that the lack of trust and confidence in the police felt by black and minority ethnic people is related to the persistent disparities in stop-and-search rates by ethnicity.

The House of Commons Library says:

"There is no evidence to suggest that BME people are more likely to carry items that officers have powers to search for. Neither is there evidence that suggests they are more likely to be involved in criminality associated with stop and search enforcement…Societal racism and its effects…appears to explain most of the disparity in stop and search rates by ethnicity."

For a recent Channel 4 documentary, 40 black men who had all experienced stop and search were surveyed. More than half of them had been stopped at least 10 times, and 39 of them had experienced their first stop and search before they turned 18. Three quarters of them had repeatedly been stopped and said that it had negatively affected their mental health. Nearly half of them had previously complained to the police about their treatment, and just three had had their complaints upheld. Jermaine Jenas, who made the documentary, said:

"Take what happened to Jamar, a kid I met, who is respectful and talented. Aged 16, he was walking home from a party when the police stopped him, looking for a young black man reportedly carrying a sword. Jamar was wearing grey jeans, white trainers and a light jacket; the description was of a guy wearing a black tracksuit.

Officers forced him on to his knees in the middle of a road and searched him at gunpoint, a Taser pressed to his neck. Of course, nothing was found. His black friends were handcuffed and held up against a wall; his young white mate walked around filming the whole thing, the police not interested."

That is a very extreme example, I think we would all say. Like a lot of hon. Members, I have been out with the police when they have done stop and search, and in many cases it is done properly, but we have to watch these things very carefully. During the first lockdown, when the police were much more proactive in going out to try to tackle the crimes, as they had the time to do so—other things were closed, and they had less work—we saw in London a huge increase in stop and search. In itself, that is okay, but London MPs began to see an increase in people coming to us saying that they were being handcuffed as a matter of course at the beginning of the search. We met Cressida Dick and talked about it in Croydon. My local police officers said that something had absolutely happened, and that it was becoming the norm that they were handcuffing people, which they are not supposed to do when they first stop them. The Met is working on that. The IOPC has highlighted it, and the Met has acknowledged it. It is an issue. The point is that people can slip into behaviours that are not right, and we need to keep a really close eye on how stop and search is done.

It is vital that the use of stop and search is monitored properly so that the police can better understand the consequences and reasons for disparities in rates by ethnicity. That is important, and it has been repeatedly raised as a concern by Her Majesty's inspectorate. In February 2021, it reported that, on average, 17% of force stop and search records were missing ethnicity information. The proportion of search records ranged by force from 2% to 34%. HMICFRS says that the disparity in search rates by ethnicity is likely being underreported as a result, and that no force fully understands the cause. It has repeatedly called on forces to do more to monitor and scrutinise their use of powers.

The Government's proposed serious violence reduction orders risk further increasing disproportionality in the criminal justice system. Our concern is that they will be pushed through without proper evaluation. Labour wants to ensure that there is a proper consideration of disproportionality before serious violence reduction orders can come into force. The Government should be recording data on the ethnicity of people subject to the orders and analysing the adverse impact of them. They must ensure that all police officers complete the College of Policing training on stop and search before the power can be used in pilot A areas. It is crucial that the pilot is evaluated before any decision to permanently roll out SVROs is taken, and that should include full consultation with the voluntary sector in the communities that are disproportionately represented across the criminal justice system. The courts should have to set out their reasons in writing for issuing an SVRO.

Hywel Williams (Arfon) (PC): Does the hon. Lady share my concern that neither of the proposed pilots will be held in Wales, given the distinct landscape in Wales after devolution and the fact that it has a much higher proportion of incarceration of black people than England?

Sarah Jones: The hon. Gentleman makes a very good point. Perhaps the Minister will respond to the point about where the pilots will be and whether there should be one in Wales.

Our amendments seek to make those changes. Amendment 102 would require the Secretary of State to issue guidance on serious violence reduction orders before any pilot could commence. Amendment 103 would ensure that guidance under this clause must include guidance on the intelligence community information and risk factors that are to be considered before an application is made for the imposition of a serious violence reduction order.

12 pm

Amendments 98 and 99 would make provision for the report under subsection (3) of proposed new section 342J. It must include information on the ethnicity of people made subject to a serious violence reduction order; information on the number of people made subject to a serious violence reduction order where there is no evidence of their having handled the weapon, either in the incident resulting in the imposition of the order or previously; information on the number of people stopped by a police officer in the belief that they are subject to a serious violence reduction order, broken down by ethnicity and including information on the number of times any one individual is stopped; analysis of the distribution of serious violence reduction orders in relation to the ethnic make-up of the local population; an equality impact assessment, including an assessment of the impact of the pilot on the groups mentioned in the equality statement produced before the pilot is commenced; analysis of data assessing the extent to which the pilot has reduced serious violent crime and reoffending by comparison with other areas; an assessment by the Sentencing Council of the proportionality of the distribution of the imposition of serious violence reduction orders; analysis of the impact of the length of time for which a serious violence reduction order is imposed on reoffending, and of the extent to which the length of time for which a serious violence reduction order is imposed has harmful impacts on the life of the individual who is subject to it; an assessment of the impact of the imposition of serious violence reduction orders on the use of stop and account in the pilot area; feedback from community scrutiny panels on scrutiny of body-worn video of all stops people are subjected to; analysis of any adverse impact of the imposition of serious violence reduction orders, listing what those could be; analysis of the information on the reason for each breach; and analysis of the extent to which searches made under the powers granted by this part of the Bill could have been carried out under other powers.

Amendment 104 would require all police officers in a pilot force area to have completed the College of Policing training on stop and search—which is excellent—before the power to impose serious violence reduction orders could be used.

In summary, I am not sure where this came from, other than as an idea from a think-tank. It is not led and driven by the police, and I know that the police have concerns about it. The courts will have concerns about it, too. That is not to say that we should not do everything we possibly can to tackle serious violence, but we must ensure that if the orders are to be introduced, they are piloted properly and effectively, so that we are rigorous on issues such as disproportionality, because we do not want to go in the wrong direction. Will the Minister reassure me on some of those points and let me know whether she will consider any of the amendments?

It would also be good to know how the knife crime prevention order pilot has progressed, because I do not think that we have seen those results, unless I have missed them. It would be good to understand from the Minister how she thinks the serious violence reduction orders will work, how they will work alongside the KCPOs and other things, and how we will avoid some of the issues that, potentially, could arise with them.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure, again, to serve under your chairmanship, Mr McCabe.

Before I respond to the amendments and observations of the hon. Member for Croydon Central, I wonder whether it might assist the Committee for me to set out why we are introducing the orders. I understand very much the points that she has made on behalf of organisations and others. I think it would help to set the orders in the context of the thinking behind their introduction.

We know that there is a serious problem with knife crime in many parts of our country. That is why over the past two years we have committed more than £176.5 million through a serious violence fund to address the drivers of serious violence locally, and to bolster the police response to it in those areas. That includes £70 million to support violence reduction units in the 18 areas of the country that are most affected by serious violence. That has been calculated through a variety of datasets, including admissions to hospitals for injuries caused by knives or bladed articles. There has been a great deal of thinking about how we target those parts of the country that have greatest experiences of knife crime and serious violence. We have also committed a further £130 million to tackle serious violence and homicide in the current financial year.

There is much more to do, however. Every time a person carries a blade or weapon, they risk ruining their own lives and other people's lives, so we must do our utmost to send a clear message that if people are vulnerable and want to move away from crime, we will support them.

Mrs Heather Wheeler (South Derbyshire) (Con): Unfortunately, in the last few days in South Derbyshire, a young lad has been murdered with a knife, and another young lad has been severely injured in a revenge attack melee. This legislation is incredibly important. My message to all parents in South Derbyshire is, "Please talk to your children about not carrying a knife." This legislation will make a major impact, and I thank my hon. Friend the Minister for bringing it forward.

Victoria Atkins: I am extremely grateful to my hon. Friend. May I say how sorry I am to hear of the experience in her constituency? It serves to highlight that knife crime does not just happen in great big cities, but can happen in picture-perfect rural areas as well. When I come to the pilots, I will explain why the four pilot areas have been chosen. We want to ensure that the orders work across the country, helping different types of communities and residential areas to safeguard people's lives.

We as a Committee are concentrating on these clauses, but under the serious violence duty that we have already debated, local areas must, as a matter of law, get around a table and address the serious violence issues in their area. I very much want these orders to be seen in the context of the whole package of measures that the Government and the police are using to tackle serious violence. I very much hope that that duty will help in my hon. Friend's area.

Mrs Wheeler: I apologise for asking the Minister to reply again. May I also put on the record how grateful I am for the superb work that Derbyshire police have undertaken on this case? They really have wrapped it up very quickly, and I want to ensure that—

The Chair: Order. I am not sure where that case is in its proceedings. It is maybe not too helpful to closely identify it.

Mrs Wheeler: I was not going to.

Victoria Atkins: Again, I am very happy to thank not just my hon. Friend's local police force, but police forces across the country for all the work that they do day in, day out to keep our constituents safe.

Allan Dorans: Does the Minister acknowledge the success of the Scottish violence reduction unit that was established in 2005? It has reduced the number of homicides from 135 in that year to 64 last year. It works on the principle that violence is preventable, not inevitable, and that the best approach is multi-agency working and partnership. The detail contained in the Bill will set up such committees across the country.

Victoria Atkins: Very much so. I am shameless in plagiarising good ideas to protect people across the country. We have worked very closely with the Scottish authorities to learn from them, and from their work in Glasgow in particular, how they have brought down violent crime in Glasgow. The hon. Gentleman rightly identifies that the serious violence duty very much builds on that work, so that we require every single local authority area to look very carefully at what is happening and at how they can identify and address those problems.

Hywel Williams: Will the Minister give way?

Victoria Atkins: I will but then I must make a little progress.

Hywel Williams: Will the Minister address the points that I raised with the Opposition Front Bench about pilots being held in Wales? Was any consideration given to holding pilots in Wales in the light of the distinct situation there?

Victoria Atkins: If I may, I will keep that point back for a little later, but I will develop it. I promise the hon. Gentleman that every single constabulary area was considered carefully and we arrived at the result in a data-driven way. I hope to answer that point in due course.

We know that 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, but too many criminals who carry knives and weapons go on to offend time and again, and serious violence reduction orders are part of our work to help to end that cycle.

The orders will give the police powers to take a more proactive approach and make it easier to target those already convicted of offences involving knifes and offensive weapons, giving the police the automatic right to search those offenders. SVROs are intended to tackle prolific, high-risk offenders, by making it easier for the police to search them for weapons.

SVROs are also intended to help protect vulnerable first-time offenders from being drawn into further exploitation by criminal gangs, by acting as a deterrent to any further weapon carrying and providing a credible reason for those young people to resist pressure to carry weapons.

Sarah Champion: I am interested in the point the Minister is making about first-time offenders. A lot of children and young adults carry knives because they are scared and because they are aware of the crime going on in their area and they want to protect themselves—they feel vulnerable without a knife. What guidance will be in place for police officers to make the distinction?

Victoria Atkins: First and foremost, this will be piloted and there will be lessons learned during the careful piloting of the orders. Also, the orders are only available to convicted knife carriers above the age of 18.

I compare and contrast with knife crime prevention orders, which form part of the overall context of the orders. The hon. Member for Croydon Central will recall that KCPOs were introduced in the Offensive Weapons Act 2019 and are intended to be rehabilitative in nature. We have both positive and negative requirements that can be attached to them. They are available for people under the age of 18, from the age of 12 upwards. That is the difference between the two orders.

The hon. Member for Croydon Central asked me about the piloting of KCPOs. Sadly, because of the pressures of covid, we were not able to start the pilot when we had wanted to, but I am pleased to say that the Metropolitan police will start the pilot of KCPOs from 5 July. We will be able to gather the evidence from that type of order alongside the work on SVROs, which will obviously start a little later than July, given the Bill will not yet have Royal Assent. That will run alongside. It will run for about 14 months and we will be able to evaluate and see how the orders are working.

Alex Cunningham: I want to lay the same challenge to the Minister as I did to the Under-Secretary of State for the Home Department, the hon. Member for Croydon South. The Minister talks about the fear of young people, feeling they must carry knives and being pressured into carrying knives. Does she accept that much more needs to be done to deal with the organised criminal gangs—indeed, organised crime as a whole—which drive young people to carry knives? The Government need to do so much more.

Victoria Atkins: The hon. Gentleman and I agree that the young people we are understandably focusing on in today's debate are the victims of the criminal networks and the organised crime gangs that, for example, run county line networks across the country, in urban and rural areas. They are out and about selling drugs for these sinister, cruel organised crime gangs. The many ways in which children and young people are exploited by these gangs are well known to members of the Committee. Going along with what my hon. Friend the Member for South Derbyshire said earlier, we want to get the message out that it is not normal to carry a knife. There can be a feeling within certain parts of our communities that that is what everybody does. Actually, the overwhelming majority of people do not carry knives, but it is that fear or that worry that people need to carry a knife to protect themselves that we are trying to address.

12.15 pm

The sad fact is that people are far more likely to be hurt themselves by the knife they are carrying, whether that is because they get into an altercation or whatever, than by a knife belonging to somebody else.

However, I appreciate—having, sadly, met many grieving families and young people who carry knives—that the fear is there. This measure, as I say, is just one tool that we are giving to the police to help us to prevent these crimes from happening in the first place. As constituency MPs, we should all, please, spread the message among our own constituencies that it is not normal to carry a knife. We must really support our schools, our police and others who will work so hard under the serious violence duty to spread that message.

I will try to make some progress. I want to deal, if I may, with the very important point to do with concerns about disproportionality. I know from conversations I have had with many charities who work day in and day out with young people, particularly in tackling gang crime, that there is a concern that these orders will disproportionately affect young black people. Clearly, we take those concerns very seriously, as I have said.

The thinking behind the orders is to help the police to take a very targeted approach in relation to known knife-carriers. Data from 2018-2019 shows that young black people are 24 times more likely to be victims of homicide than young white people—24 times. That is a very chilling and startling statistic, which we must try to address and tackle.

As long as young people, young black people, are the victims of these crimes, and as long as we have to meet grieving families who somehow have to cope with the devastating loss of a beloved son or daughter, then I genuinely think that, as a Government and indeed as a society, we have got to do everything we can and try everything we can to tackle these horrendous crimes.

Clearly, as part of this work we must build an understanding of the impact and the effectiveness of the new orders, and we have got to explain these orders to charities and to those working with young people, so that in their work they can help to reassure young people and point them towards further help, if that is needed. This is precisely why we are piloting these orders, because we want to understand their effectiveness and impact. Clause 140 sets out the details.

We have announced that the SVROs will be piloted in four areas, namely by the Merseyside, Thames Valley, Sussex and West Midlands police forces. I have rightly and understandably been asked why those areas were chosen. All four forces that will pilot SVROs are in the 18 areas across England and Wales that are most affected by serious violence. Those 18 areas accounted for 80% of all hospital admissions for injury with a sharp object, with each one individually accounting for 2% or more—rounded up to the nearest percentage point—of all admissions. West Midlands has the third highest rate of knife crime in England and Wales, and Merseyside has the sixth. The pilot will allow us to build an understanding of these new orders before making a decision about whether they should be rolled out nationally to other force areas.

In selecting these force areas, we were very clear that we wanted a fair analysis of different urban and rural areas, as I say, and of different demographics. We have also looked at the influence of county lines—whether an area is an exporter or an importer—to try to give us a grounding and a good evidence base on which to make proper and valued decisions, in due course, about how the orders can be rolled out. That is why a Wales force is not included. I hope the hon. Member for Arfon accepts that as much as I have valued and enjoyed my visits to Welsh police forces in my time as a Minister, I could not say we had to give it to a Wales force just because it was in Wales, because we are doing it on such a careful, data-driven basis.

Hywel Williams: I certainly take the Minister's point that these things are decided on objective measures. County lines extend into Wales from large conurbations in the midlands and from London. There is one specific point that might be captured were Wales included. It is a comparatively minor and specific point in that in the sentencing code in proposed new section 342A(9) it says that

"the court must in ordinary language explain to the offender".

I draw the Minister's attention to the point that in Wales "ordinary language" might mean in Welsh or English.

The Welsh Language Act 1967 says that Welsh and English should be treated on the basis of equality and more recent legislation establishes Welsh as an official language. That free choice of language is pretty subtle and not just a matter of law. Guidance should be given to court officers so that they understand how subtle that might be.

Victoria Atkins: The hon. Gentleman raises a good point. I remember visiting Welsh courts and feeling at a great disadvantage that I did not speak Welsh. He raises a serious point. I cannot give confirmation here and now, but I know that we will take that factor into account in due course once the evaluations have been conducted. He makes a fair point and he makes it well.

When Martin Hewitt from the National Police Chiefs' Council gave evidence to the Committee, he welcomed the piloting of the orders and made the following point, of which we are all aware:

"There is no doubt that there are people who are more violent and have a history of violence, and we do a range of things to try to reduce the number of violent crimes. Our concern is to make sure that there is no disproportionality in the way these orders are used, so we are really keen to work very closely with the pilot site to assess how this can be another tool—and it is just one further tool—in dealing with street violence and violence among younger people."—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee,* 18 May 2021; c. 13, Q16.]

I thought Mr Hewitt put that extremely well. This is another tool that we want to put forward to help the police deal with violence on the streets around the country.

The pilot will also test the deterrence effect of SVROs. It will trial how we ensure that vulnerable offenders are directed to local intervention teams, test community responses to the orders and examine the potential impact on disproportionality, as well as building evidence on the outcomes for offenders who are subject to an SVRO.

On the point of deterrence, the available evidence suggests that a criminal conviction can prevent reoffending through the deterrent effect, particularly in changing behaviour in more vulnerable offenders, as it could equip them with a credible basis for resisting gang or other peer pressure to carry knives. A recent academic study has shown that individual searches can produce useful results, such as the discovery of contraband materials. It could also be effective if focused on prolific offenders. One of the many reasons for running pilots on the orders very carefully is to gather evidence on their deterrent

[Victoria Atkins]

effect before they are rolled out nationally. We also understand the importance of scrutiny and oversight and stress the importance of being completely transparent about how SVROs are being used, to reassure communities that the orders are being used appropriately. During the pilot, we will work with partners to address those challenges and ensure that the orders are used appropriately and effectively.

We expect all forces to allow stop-and-search records to be scrutinised by community representatives and to explain the use of their powers locally, as the statutory guidance requires them to do. At our request, the College of Policing has updated its stop-and-search guidance to include better examples of best practice for community engagement and scrutiny, and it is available now for all forces to follow.

As required by clause 140, we will lay before Parliament a report on the operation and outcome of the pilot. That brings me to amendment 98, which would prescribe in the Bill the matters to be addressed in the report on the outcome of the pilot. The amendment lists no fewer than 14 matters that would have to be addressed as part of the evaluation. I will deal with some of the specific points, but before doing so, I again wish to reassure the Committee that we want the SVRO pilots to be robust and their evaluation to be thorough. We are still in the early design phase, and although I may not agree with all 14 points listed in amendment 98, many have merit and I can assure Opposition Members that we will take them into consideration as we progress the design work and agree the terms of the evaluation. I will make the general point that it is not necessary to include such a list in the Bill. Indeed, the approach adopted in clause 140 is consistent with, for example, the piloting provisions in the Offensive Weapons Act 2019 in respect of knife crime prevention orders.

We are talking about those matters listed in amendment 98. As part of the pilot, we plan to evaluate the impact of the orders on black and ethnic minority people. When we considered police forces for the pilot, we took into account the demographics of each force, and it is a key reason why we are piloting SVROs in four forces rather than just one—to ensure that we capture sufficient data, including the ethnicity of those given an SVRO, to properly examine the impact on disproportionality. No one should be unfairly targeted by stop-and-search, and safeguards—including statutory codes of practice, use of body-worn video to increase accountability, and community scrutiny panels—already exist to ensure that that does not happen.

SVROs will be subject to the same scrutiny as current stop-and-search powers. As I said, we expect all forces to allow stop-and-search records, including those for SVROs, to be scrutinised by community representatives and to explain the use of their powers locally, as the current statutory guidance on police use of stop-and-search requires them to do. We are also exploring with the four pilot forces how they can make best use of body-worn video—that is absolutely critical, I think, in opening up transparency—and how they can use community scrutiny panels during the pilot.

What is more, during the Committee's consideration we have contacted all the pilot areas to ask them what plans they have to contact and engage with local charities and people who work with young people to ensure that the community as a whole has an influence on how the pilots are rolled out, and all four forces have confirmed that they are already in contact with them, or are planning to be, ahead of the pilot. Again, I very much hope that that gives reassurance about the direction of travel that we expect from the four pilot forces, and indeed thereafter, when it comes to the use of these orders.

I understand that there are also concerns about mistaken identity and possible methods, such as using stop-and-account, to identify those who are subject to an SVRO. We very much expect police officers to take steps to confirm somebody's identity on the street when exercising their powers and to be sure that the person they are stopping is in fact subject to an SVRO. It is also important to note that an officer would be acting unlawfully if they exercised the SVRO powers in relation to a person who is not subject to an SVRO. Again, as part of the pilot, we will monitor use to identify any disparities or concerns that may arise about cases of mistaken identity.

12.30 pm

The pilot will also monitor the impact of the orders on reoffending and the outcomes for offenders who are subject to an SVRO. Pilot forces will monitor the impact of SVROs on the individuals subject to them. We will be sure to carry out an evaluation and are exploring the specific options and metrics with the pilot forces. We want to be able to make direct comparisons between forces and we will work with pilot forces to collect data in a consistent manner.

On the rest of amendment 98, I want to point out that following the public consultation that we held on the serious violence reduction orders, we amended the proposed model so that SVROs are made at the court's discretion. In other words, we have listened to consultation and amended the orders accordingly. That approach will enable the court to take into account the individual circumstances of the offender when determining whether an SVRO should be granted.

The first condition on which the court must be satisfied, on the balance of probabilities, are set out in subsections (3) and (4). They relate to whether a bladed article or offensive weapon was used by the offender in the commission of the offence, or that the offender had such an article or weapon with them when the offence was committed; or that another person used such articles in the commission of the offence, or had such an article with them when the offence was committed, and the offender knew, or ought to have known, that that was the case.

The second condition is that the court may only make an SVRO if it considers the order is necessary to protect the public or any particular member of the public, including the offender themselves, from the risk of harm involving a bladed article or an offensive weapon, or that the order is necessary to prevent the offender from committing an offence involving a bladed article or offensive weapon. That point about the offender being protected is, again, part of one of the two reasons for the orders—to help protect those vulnerable perhaps first-time offenders, to give them a reason for those who are putting them under pressure that they will not continue carrying a knife or bladed article.

We very much believe it is important for the courts to have that power, as it will allow the courts to make fair and objective decisions on who will receive an SVRO. There should be, it goes without saying, no bias in the decision-making process but, again, the pilot will monitor who is subject to an SVRO and any disproportionate impact of the orders. In most cases, it will be clear to the court whether the offender handled a knife or offensive weapon during the commission of the offence.

The Bill, however, provides for instances where not all the offenders handled the weapon during the commission of the offence, but where individuals knew or ought to have known that other offenders used or possessed a weapon. It is considered that those individuals would be complicit in the use of the weapon. Since all those given an SVRO will have been convicted of an offence where a knife or offensive weapon was involved, we are not persuaded that there is value in collecting data showing whether they carried the weapon with them when committing the offence or not.

Amendment 100 would require the Secretary of State to consult with members of the voluntary sector, and representatives of communities disproportionately represented in the criminal justice system, on the report of the SVRO pilot. We have already run a public consultation on the design of the orders, in 2020, and we will seek and are seeking the views of communities and key organisations to inform the data for the report.

During the pilot, police forces will be required to engage with communities, including victims of knife crime and their families, to ensure that those communities understand that SVROs are there to protect their families and to ensure that offenders are monitored effectively and discouraged from offending again. Moreover, it would be open to anyone to comment on the report once it has been published. Given those arrangements, we do not believe that a duty to consult on a draft of the pilot report is necessary or appropriate.

Amendment 101 would require the court to set out its reasons in writing. The Bill already provides that, when an order is made, the court must explain its effects to the offender in plain language. That includes the stop-and-search power that a constable has in respect of the offender, any requirements or prohibitions imposed by the order and the offences that may be committed if the offender breaches an SVRO. In addition, following the Human Rights Act 1998, courts must always state their reasons for making an order, and that would of course apply to SVROs. Legal advisers and judges record those reasons on their files, and they will be available to parties that require them. I am not persuaded that we should single out SVROs by requiring the court to set out its reason in writing. There is no such requirement in relation to knife crime prevention orders, for example. It would of course be open to an offender to mount an appeal against the making of an SVRO, which will provide an important safeguard for those who want to challenge the order.

Amendments 102 and 103 relate to the statutory guidance provided for in proposed new section 342J of the sentencing code. I very much agree with the hon. Member for Croydon Central that the statutory guidance must be issued ahead of the start of the pilot, and we are committed to doing just that. That is why clause 175(4)(r) expressly provides for clause 139 to come into force on Royal Assent for the purposes of issuing the guidance. Moreover, we intend to publish an early skeleton draft of the guidance before Lords Committee stage.

We are working closely with key delivery partners, including the police, through an SVRO working group to develop the guidance. The guidance will provide detail on the police processes, including the preparation of evidence for the Crown Prosecution Service to support an application for an SVRO. Again, I am not persuaded that it is appropriate to be prescriptive in primary legislation about the contents of the guidance.

Finally, amendment 104 would require all police officers in a pilot force area to complete the College of Policing training on stop-and-search before the power to impose SVROs can be used. Currently, new recruits undertake mandatory stop-and-search training as part of their entry-level learning, and officers are required to complete regular training throughout their career, including modules on stop-and-search. We therefore expect that the officers who exercise these new powers will have already completed appropriate training. We will work with the pilot forces to ensure that there is guidance and that officers have taken part in training on the use of stop-and-search in relation to SVROs.

The Government are determined to do all we can to deter people from becoming involved in knife crime and prevent them from falling victim to it. There must be transparency in how SVROs are used, and there are already safeguards in the Bill, which we will develop to ensure the orders are being used appropriately and effectively. We will reinforce that message in the guidance and during the pilot, which will be the subject of a robust and thorough evaluation. In the light of the assurances that I have given about the conduct and evaluation of the pilot, and the content and timing of the statutory guidance, I hope the hon. Lady will be content to withdraw the amendment.

Sarah Jones: I thank the Minister for that response, which gives reassurance on a number of areas. In particular, having the draft guidance before the Lords Committee is very helpful. We can look at it and see what it says, and then the Lords can take a view about whether they will support it. I am also reassured by what the Minister said about the College of Policing training during the pilots, and about the content of the pilot and what it will look at. There is support for lots of the elements that we put in the amendments. We still have serious concerns that the provisions could be problematic and might not tackle violence, which is the point of them. However, with the reassurances that the Minister has given me, I will not seek to divide the Committee. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clauses 139 and 140 ordered to stand part of the Bill.

Clause 141

LOCATIONS FOR SEXUAL OFFENDER NOTIFICATION

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clauses 142 and 143 stand part.

New clause 65—*Registered sex offenders: change of name or identity—*

"(1) The Secretary of State must commission a review of how registered sex offenders are able to change their name or other aspects of their identity without the knowledge of the police with the intention of subverting the purpose of their registration.

(2) The review must consult persons with expertise in this issue, including—

(a) representatives of police officers responsible for sex offender management,

(b) Her Majesty's Passport Office, and

(c) the Driver and Vehicle Licensing Agency.

(3) The scope of the review must include consideration of resources necessary for the long-term management of the issue of registered sex offenders changing their names or other aspects of their identity.

(4) The review must make recommendations for the long-term management of the issue of registered sex offenders changing their names or other aspects of their identity.

(5) The Secretary of State must report the findings of this review to Parliament within 12 months of the day on which this Act is passed."

This new clause would ensure that the Secretary of State must publish a review into how registered sex offenders are changing their names or other aspects of their identity and propose solutions for how the government aims to tackle this issue.

I remind the Committee that if the Whip is seeking to adjourn at 1 o'clock, he will not be able to interrupt a speaker, so if we are going to proceed with that, we will need whoever is speaking to finish just before 1 pm so the Whip can do what he might wish to do.

Victoria Atkins: I wonder whether it would be convenient for the hon. Member for Rotherham to speak?

Sarah Champion: It would be convenient—thank you. It is always a pleasure to serve under your chairship, Mr McCabe.

I found a very real problem that I did not know existed. I have spoken to a number of Ministers in the Home Office and the Ministry of Justice about it, and they all recognise that it is a real problem. I am seeking, through new clause 65, to get a review into how registered sex offenders are changing their names, and in doing so, are slipping under the radar with some absolutely devastating consequences.

Currently, all registered sex offenders are legally required to notify the police of any changes in their personal details, including names and addresses. Those notification requirements are incredibly weak, however, and place the onus entirely on the sex offender to report changes in their personal information. I would like to say that, by their very nature, sex offenders tend to be incredibly sneaky and used to subterfuge, so the likelihood of them actively notifying their police officer is quite slender.

At this point, I would like to mention the crucial work that has been carried out by those at the Safeguarding Alliance, who identified this issue four years ago and alerted me to it. They have an upcoming report, from which I will use just one case as an example. It is the case of a woman called Della Wright, the ambassador for the Safeguarding Alliance, who is a survivor of child sexual abuse. She has bravely chosen to speak out and to tell her story, which is symptomatic of that of so many other survivors who have been impacted by the serious safeguarding loophole.

When Della was between six and seven years old, a man came to live in her home and became one of her primary carers. He went on to commit the most heinous of crimes, and was free to sexually abuse Della at will. Years later, Della reported the abuse in 2007 and again in 2015. Then it quickly become apparent that the person in question was already known to the police. He had gone on to commit many further sexual offences against an undisclosed number of victims. During this time, Della was made aware that his name had changed. It has since been identified that he has changed his name at least five times, enabling him to relocate under the radar and evade justice. When Della's case was finally brought to court, he was once again allowed to change his name, this time between being charged and appearing in court for the planned hearing. That slowed down the whole court process, adding additional stress to Della, and made a complete mockery, I may say, of the justice system.

While the loophole exists, Della's abuser is free to change his name as often as he likes, including from prison.

12.45 pm

If a sex offender changes their name, they must tell the police within three days or they face up to five years in prison. For the sex offender to face that time in prison, they must first be caught and therein lies the nub of the problem. The loophole means that sex offenders are changing their names and the police are unaware of it, and therefore the sex offender goes under the police's radar.

Once they get a new name, the sex offender can get a Disclosure and Barring Service check, as the new name would not flag up their previous offences. They can then go on to secure jobs working with children and vulnerable people, putting those people at risk of sexual exploitation by an individual who has been punished for that crime.

In response to my written parliamentary question, the Government confirmed that more than 16,000 offenders have breached their notification requirement in the past five years. A freedom of information request carried out by the Safeguarding Alliance confirmed that at least 905 registered sex offenders had gone missing between 2017 and 2020. Only 16 of the 43 police forces responded to that request, so the actual number will be much higher. There are currently 100,000 sex offenders on the register.

We can surmise that the main reason why offenders have gone missing is because they have changed their name. Notification requirements as they currently stand are not an efficient way of monitoring sex offenders. They have already been to prison for sexual offences and are likely to lie to the police in order to reoffend.

The current name-change process is unbelievably easy. Adults can get a name change registered at the Royal Courts of Justice in a few days for £42.44. That is an enrolled deed poll and requires the applicant to fill out three forms, but none of the forms asks the applicant whether they have a criminal history of any kind. In addition, legally, there is nothing to stop anyone from using the do-it-yourself deed poll, by simply writing down their new name in the presence of two witnesses. I find that staggering. Using that approach, some sex offenders are able to change their names from prison for as little as a £15 administration fee.

Police have the powers to put a marker on the file of sex offenders at the Driver and Vehicle Licensing Agency or Her Majesty's Passport Office, so that, if a name change comes up through their systems, the police would be informed. This is useful, as a driver's licence or a passport is required for a DBS check. It is worth noting, though, that DBS does not undertake any background checks on whether a name change has occurred. It is only the link with the Passport Office, if fraud is found.

Mr Robert Goodwill (Scarborough and Whitby) (Con): I am astounded to hear what the hon. Lady is saying. Do similar checks take place when people get married, as there is quite a trend towards new, double-barrelled surnames? Is that a similar loophole that people could use?

Sarah Champion: I do not know the specifics, but I do know a friend whose husband cheated on her, who wanted to change her name before the divorce came through. She used the £15 option; it is just filling out a form and paying the money.

Hywel Williams: I would raise a further point. One of the aspects of denial among sex offenders is that they put a psychological distance between themselves and the offence on conviction. That is a subtle driver for people to change their names, quite apart from the wish to offend again and not be detected.

Sarah Champion: The hon. Gentleman makes a really interesting point on the psychology, which I had not considered. He is absolutely right.

If the name-change process was well joined up, it would stop the sex offender from successfully receiving a DBS check. Current guidance means that the police can only do that in certain cases—for example, for sex offenders they believe to be at risk of changing their identity or who work in a profession where they have regular contact with vulnerable people. As far as I am concerned, that would be the definition of all sex offenders. The police are encouraged to limit their inquiries to these agencies to avoid unnecessary or high volumes of requests to them.

The guidance states that

"to avoid unnecessary or high volumes of requests to these agencies, enquiries should be limited"

to cases where risk factors apply. I believe that the police should be able to do this for all sex offenders.

The Government have recognised that this is an issue. In response to an e-petition, the Minister said that the Government would like to change the guidance so that only enrolled deed polls are seen as an official name change. This is still concerning, as an enrolled deed poll means that the individual's old name, new name and address appear in the *London Gazette*. I ask Committee members to imagine they were fleeing domestic violence and wanted to change their name. How would they feel, knowing that that was going to be broadcast in a place where their abuser would be sure to look?

My suggestion is for all sex offenders to have a marker on their file at the DVLA and at Her Majesty's Passport Office that would mean that would be flagged on the DBS database. That would remove the onus from the sex offender so that if they breach their notification requirements, the police will know quickly. I accept that more resources would be needed for this to be effective, but surely it is worth more funding to prevent more adults and children from experiencing more traumatic abuse.

There needs be a full review to try to identify the gaps in safeguarding and ensure this cannot go on any longer. New clause 65 is supported by over 35 MPs from across the House, including the Chair of the Education Committee, the right hon. Member for Harlow (Robert Halfon), the Chair of the Women and Equalities Committee, the right hon. Member for Romsey and Southampton North (Caroline Nokes), and the former Brexit Secretary, the right hon. Member for Haltemprice and Howden (Mr Davis).

Allan Dorans: Does the hon. Lady agree that if the provision had been in place in 2002, it could have prevented the needless murder of Holly Wells and Jessica Chapman by Ian Huntley, who had changed his name prior to committing this offence?

Sarah Champion: I absolutely agree. That is my frustration because when we look back at some of these high-profile cases, name changes have been common practice. This issue was also raised in the recent report by the Centre for Social Justice, "Unsafe Children." The End Violence Against Women Coalition, said:

"It defies logic that this current system appears to rely on perpetrators of sexual offences identifying their own risk. Especially given that perpetrators are often highly manipulative and skilled at deceiving others and appearing 'safe'."

The new clause is not controversial. All I ask for is a review to find out what is going wrong. I do not know if other Members have signed up to receive notifications if a person of high risk is rehoused in their constituency. I receive such notifications, unfortunately quite regularly. In the most recent notification I had, there are 19 different specific licence conditions that the offender has to meet. One of them is to notify their supervising officer of details of any passport they may possess, including passport number, or any intention of applying for a new passport. However, there is no mention on that list of changing their name. That would seem to be a basic thing, so that at least the sex offender knows in advance that they have to notify the police, so it is a clear breach of conditions when they do not do that.

Ordered, That the debate be now adjourned.—*(Tom Pursglove.)*

12.54 pm

Adjourned till this day at Two o'clock.