



Standing Committee for Youth Justice

Standing Committee for Youth Justice (SCYJ) response: Home Office Consultation on a new legal duty to support a multi-agency approach to preventing and tackling serious violence

8. Do you agree that the vision and focus for a multi-agency approach to preventing and tackling serious violence is correct?

Yes

Please explain why.

We welcome the vision's assertion that action should be 'guided by evidence of the problems and what works in tackling their root causes', as well as the intention to encourage organisations to share information, data and intelligence, and work in concert rather than isolation to identify children at risk as early as possible.

However, we are concerned that a vision for tackling serious violence which is limited to the scope of the Serious Violence Strategy does not represent a holistic approach to protecting children from harm, which can consider the full range of partners and interventions needed, as well as the structural, political and economic factors that contribute. Serious violence is often a result of serious welfare needs that are best dealt with by the provision of effective safeguarding, which is a duty of all.

The Government's response to tackling serious violence should be part of a broader strategy to improve the capacity of the safeguarding system and statutory services to protect children at risk of harm outside the home, including but not limited to serious violence – child sexual exploitation, criminal exploitation and other forms of harm should also be considered in a coordinated way. Emerging evidence finds that the system is currently premised on abuse in private spaces¹ and professionals do not have a framework in place to address risks in the community². Issues such as serious violence have brought to the fore the deficit in strategy, resources, evidence and guidance to support children at risk of harms outside the home.

We also believe that the focus of the Government is misplaced. Creating a new legal duty in an attempt to encourage partnership working is likely to have a number of unintended consequences, as we outline below. The Government should be focussed on ensuring agencies have the training and resources they need to identify and respond to harms as early as possible, and should work to identify best practice in partnership working where it already exists, and promote and support this.

¹ <https://www.tandfonline.com/doi/abs/10.1080/14733285.2019.1598545?journalCode=cchg20>

² <http://croydonlcsb.org.uk/wp-content/uploads/2019/02/CSCB-Vulnerable-Adolescent-Thematic-Review-PUBLISHED-Feb-2019.pdf>



9. Do you consider that Option One would best achieve the consultation vision?

No

Please explain why.

The Standing Committee for Youth Justice (SCYJ) is a coalition of 60 non-profit organisations working to improve the youth justice system in England and Wales. A significant number of our members work directly with children and young people involved in, and/or affected by, serious violence. In line with our guiding principles and values, we believe the approach to children at risk of involvement in serious violence must be one that is child-focussed and welfare-based, addressing the underlying causes of the child's behaviour, and actively promoting their rehabilitation and reintegration.

We support a public health approach to tackling serious violence which seeks to address its root causes and welcome the government's acknowledgement of the need to shift focus from a punitive response towards a multi-agency, more preventative approach. However, we do not believe that the proposals contained in this document amount to a public health approach, as has been suggested by the Home Secretary. We are concerned that there would be a number of unintended consequences for both children and the agencies involved in the 'public health duty', without achieving the desired result of reducing the number of children harmed by serious violence.

SCYJ's key objections to this proposal are:

- 1) There is a need to consider serious violence within a broader strategy which equips the safeguarding system, statutory and voluntary services to protect children from harm outside the home, with resources and guidance to do so. This should embed a response that takes account of the context in which children are at risk and is trauma-informed.³ A duty for serious violence, which presents these issues as distinct from wider safeguarding duties, could lead to a more punitive approach to these children which evidence suggests is inadequate to reduce violence.⁴
 - 2) Implementation of a new duty without additional resources or definitive guidance is wholly inappropriate for services already tasked with rising demand, crisis management options and low retention of staff.
 - 3) The potential consequences of a new duty in this context have not been fully considered, both for the organisations involved and children affected.
- 1) Response to serious violence should be part of a broader strategy

The Government's response to tackling serious violence should be part of a broader strategy to improve the capacity of the safeguarding system, statutory and voluntary services to protect children at risk of harm outside the home, including but not

³ <https://www.rip.org.uk/news-and-views/blog/trauma-informed-responses-in-relationship-based-practice/>

⁴ https://whatworks.college.police.uk/Research/Documents/Knife_Crime_Evidence_Briefing.pdf



limited to serious violence – but also child sexual exploitation, criminal exploitation and other forms of harm. Emerging evidence finds that the system is currently premised on abuse in private spaces⁵ and professionals do not have a framework in place to address risks in the community⁶. Issues such as serious violence have brought to the fore the deficit in strategy, resources, evidence and guidance to support children at risk of harms outside the home. Serious Case Reviews highlight that despite the wealth of experience, skills and knowledge in professional networks, they do not always have the appropriate tools required to protect children from these forms of harm.⁷

Proposal one fails to address this need; for a trauma-informed approach as the lens through which serious violence and other forms of harm in the community are understood. The Croydon Safeguarding Children Board “Vulnerable Adolescents Thematic Review” concluded that responses to vulnerable adolescents had little appreciation of the ‘underlying trauma or the adverse childhood experiences’. Similarly, Serious Case Reviews have highlighted the need to consider the impacts of childhood trauma and toxic stress as an alternative or additional way of understanding the presenting behaviour.⁸

A new ‘public health’ duty on ‘serious violence’, which encourages a separate response to ‘knife crime’, risks presenting these harms as distinct and unrelated to other safeguarding concerns. Presenting serious violence in this way risks creating a parallel response to these children, distinct from wider safeguarding duties, which is punitive in nature and which views symptoms such as knife crime in isolation without connecting them to the contexts children navigate, and their feelings of safety.

The Newham Safeguarding Children Board Serious Case Review for “Chris” for example, reports that ‘there was a tendency to view risk-taking adolescent behaviour primarily through the lens of offending and harmful peer groups through the lens of gangs, distorting understanding and responses’. These included signposting to Youth Offending teams rather than carrying out holistic assessments, which take into account a child’s experiences.

2) Implementation of a new duty without additional resources is inadequate

Option one proposes the application of a new duty on organisations, at a time when children’s social care services are facing increasing demands and insufficient funding to fulfil their existing duties, as well as high turnover and low retention of the workforce. The National Audit Office describes Local Authority finances and services as ‘under strain’.⁹ A recent report by the Housing, Communities and Local

⁵ <https://www.tandfonline.com/doi/abs/10.1080/14733285.2019.1598545?journalCode=cchq20>

⁶ <http://croydonlcsb.org.uk/wp-content/uploads/2019/02/CSCB-Vulnerable-Adolescent-Thematic-Review-PUBLISHED-Feb-2019.pdf>

⁷ <http://croydonlcsb.org.uk/wp-content/uploads/2019/05/Child-Q-SCR-SUMMARY-PUBLISHED-May-2019.pdf>

⁸ <http://www.newhamlscb.org.uk/wp-content/uploads/2018/10/Serious-Case-Review-Chris-.pdf>

⁹ <https://www.nao.org.uk/wp-content/uploads/2019/01/Pressures-on-Childrens-Social-Care-Summary.pdf>



Government Committee refers to a system ‘at breaking point’¹⁰. This report explicitly states that Government should evaluate its processes for understanding the financial burden of new statutory duties, and recommends that ‘all new burdens on local authorities’ children’s services must be financed adequately’. The absence of any consideration of these factors in option one marks it as unsuitable.

There is existing evidence that organisations’ capacity to provide support to children is already constrained in these circumstances. Spending on non-statutory services has fallen sharply¹¹ and available interventions offered for children are therefore more limited in scope and short-term, often offered only once a child has reached crisis point. The Croydon “Vulnerable Adolescents Thematic Review” examined the records and outcomes of 60 children, five of whom have now sadly died and a number of whom are in the criminal justice system. This report evidences that the ability to protect children from harm was undermined by the short-term and ‘reactionary’ nature of interventions. The primary ‘problem’ is not an absence of identification by schools or other agencies, as option one suggests. The majority of the children (three quarters) were known to local services by the age of 12, and schools and other agencies frequently made referrals for support¹². Similarly, the Serious Case Review for “Chris” found that various agencies were aware of his needs for many years before he was killed at age 14. Lack of available support, particularly housing for Chris’s family to be moved to, left him vulnerable to the attack that killed him. The mother of the 15-year boy charged with the murder of Quamari Serunkuma-Barnes said: “If you’ve gone [to the council] and they can’t turn around and help you but say: ‘It cannot meet the threshold’ or ‘The budget is not there’, then what are you supposed to do?”¹³

The support offered to children to address their needs and reduce the risk of violence is undermined in a context where schools have lost special educational needs teachers, pastoral support, counsellors and detached youth workers. In 2017, an average of 150 children a day were turned away from Child and Adolescent Mental Health Services¹⁴. Although children are identified as in need of safeguarding, schools and local authorities are not able to offer support that keeps them in schools, out of Pupil Referral Units, and away from risk of criminal involvement and exploitation.

While information sharing is often identified in Serious Case Reviews as an area where improvements could and should be made, we do not believe the proposed statutory duty is the best way to promote effective information sharing, and we do not believe that creating the duty alone would do anything to tackle serious violence without sufficient investment and strategy alongside it.

¹⁰ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/housing-communities-and-local-government-committee/news/funding-local-childrens-authorities-report-published-17-19/>

¹¹ <https://www.nao.org.uk/wp-content/uploads/2019/01/Pressures-on-Childrens-Social-Care-Summary.pdf>

¹² <http://croydonlcsb.org.uk/wp-content/uploads/2019/02/CSCB-Vulnerable-Adolescent-Thematic-Review-PUBLISHED-Feb-2019.pdf>

¹³ <https://www.theguardian.com/membership/2017/sep/19/the-boy-who-killed-and-the-mother-who-tried-to-stop-him>

¹⁴ <https://www.nspcc.org.uk/what-we-do/news-opinion/child-mental-health-referral-rejections-top-100000/>



3) Full consequences of a new legal duty have not been considered

We are concerned by the notion that organisations will be held ‘accountable’ by the proposed statutory duty for their work to prevent serious violence. There are a number of unanswered questions surrounding how this will work in practice, how compliance with the duty will be monitored and measured, and how it will be enforced. Will organisations be blamed and penalised if serious violence occurs on their watch? In any proposal to tackle serious violence, the purpose of the inspectorate should be to review activity with a trauma-informed lens, to build evidence and share effective practice.

There is no mention of any compensation for the increased resources required to fulfil obligations under a new legal duty. As evidenced above, without support from government to increase already struggling agencies’ capacity, the statutory duty is setting them up to fail. In this context, a potential consequence of the legal duty is that organisations either: a) respond through increased reporting or b) attempt to reprioritise referrals to fulfil the duty. In the former, we are concerned that this could lead to increased surveillance of children suspected of serious violence¹⁵. In the latter, we are concerned that children at risk of other forms of violence, including child sexual exploitation, may be de-prioritised to meet this obligation.

The legal duty may also create a compliance mind-set, whereby information is shared in order to meet ‘tick box’ legal requirements, rather than because professionals are genuinely engaging, and because they genuinely believe the information to be of significance. This will create difficulties in assessing what information is necessary to act on. The Scottish Violence Reduction Unit success evidences the need for a cultural shift and new ethos towards voluntary multi-agency working, which was effective because of buy-in at a political and practitioner level.

The impact the duty would have on children is worrying and unclear, especially when considered in conjunction with another recent government policy, Knife Crime Prevention Orders, contained in the Offensive Weapons Bill. The legal duty to report children at risk of serious violence is likely to lead to unfair labelling and targeting, as we have already seen from statutory agencies in response to children labelled as ‘gang involved’, or with the Prevent duty, for example. It is likely to lead children to be considered through a lens of whether they are likely to offend rather than whether they have welfare needs that should be addressed. Will the information that agencies are forced to share about children in their care be used against the child? Will it count as ‘intelligence’ that could be used as justification for stop and searches, or to impose a Knife Crime Prevention Order on a child? This is particularly worrying given the damaging nature of the Orders that SCYJ and our members have identified.¹⁶ Rather than promoting early intervention and diversion away from serious violence, the duty could have the unintended consequence of

¹⁵ <https://www.theguardian.com/commentisfree/2019/apr/02/knife-crime-prevent-teachers-doctors-youth-violence>

¹⁶ <http://www.prisonreformtrust.org.uk/Portals/0/Documents/parliament/Offensive%20Weapons%20Bill%20HoC%20ConsLordsAms.pdf>.



creating a dragnet, pulling more children into the criminal justice system, and further marginalising them.

This impact will disproportionately affect BAME children, who are already overrepresented in the youth justice system. Racialised labelling and targeting that already takes place¹⁷ is likely to be reinforced and exacerbated, and the associated punitive response will further entrench ethnic inequalities¹⁸.

While we are supportive of a public health approach, we have concerns about the punitive aspects contained under the Government's definition, for example 'tough law enforcement tactics, such as stop and search campaigns'. Recent evidence now suggests black people are forty times more likely to be stopped and searched.¹⁹ Public health approaches must be founded in evidence about the drivers of violence, such as social injustice and inequality, and focus on genuine early intervention and prevention from early years. Vital to a multi-agency approach is the involvement and active participation as far as possible of children, their family and their community. Providing a holistic, trauma-informed response requires the building of trust with children and their families. None of this is facilitated by a legal duty imposed on struggling services, focussed on labelling 'at-risk' children.

Any new duty, statutory or otherwise, must make reference to the Government's commitment to have due regard to the UN Convention on the Rights of the Child (UNCRC), and the Government must commit to carry out a child rights impact assessment. This is of particular importance in relation to data sharing. The Government must also address how any new legal duty would fit with the duty to have regard of the need to safeguard and promote children's welfare (Section 11, Children Act 2004). If a similar legal 'due regard' duty to preventing and tackling serious violence were introduced, we are concerned it would water down any commitment to children's welfare. If the government were to pursue option 1, despite the wealth of concerns already identified, the Government must include a commitment making children's welfare a primary consideration, in line with article 3 of the UNCRC.

Ultimately, the resources spent on creating a new legal duty would be far better spent on up-skilling the workforce to identify children's needs, so that they know when it is important to share information and with whom. We welcome, for example, the recent launch of the Department for Education Tackling Child Exploitation Support Programme, but the £2 million allocated to the programme is not enough. Those involved in children's lives want to help prevent serious violence, it is not necessary for a legal duty to force this upon them - they need assistance and resources to understand how best they can help, and to facilitate their support. The government should focus on identifying successful local initiatives and voluntary partnerships, and spreading this best practice.

¹⁷ see Lammy Review on the London gangs matrix and <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Dangerous%20associations%20Joint%20Enterprise%20gangs%20and%20racism.pdf>

¹⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

¹⁹ <https://www.theguardian.com/law/2019/may/04/stop-and-search-new-row-racial-bias>.



11. Do you consider that Option two would best achieve the consultation vision?

No

Please explain why.

For the same reasons outlined in our response regarding Option One, SCYJ does not consider Option Two to be an effective solution to achieving the government's stated aim of promoting a public health approach and encouraging multi-agency working to reduce serious violence.

The new multiagency safeguarding arrangements should be viewed as key partners in keeping children safe from harm, including serious violence.

Option Two is less favourable to Option One as it leaves less flexibility for local authorities to decide on a partnership setup that suits local needs. Option Two is therefore our least preferred proposal.

12. Should the list of Statutory Partners in Community Safety Partnerships be added to so that they can adequately prevent and tackle serious violence in local areas? If so, what organisations?

The new multi-agency safeguarding arrangements should be considered as key partners in a strategy to keep children safe from harm, including serious violence.

13. Do you consider that Option Three would best achieve the consultation vision?

Yes

Please explain why.

SCYJ believes that option three most accurately reflects a true public health approach, which the evidence supports as being effective at tackling serious violence. The consultation itself acknowledges the success of similar voluntary approaches to multi-agency working, for example the Violence Reduction Unit (VRU) in Scotland. The voluntary approach leaves room for flexibility and adaptability, to ensure resources are directed most efficiently, reflective of and responsive to local needs. SCYJ believes that of the available options, this approach will be most effective at fulfilling the government's stated aim of facilitating information sharing, multi-agency working, and reducing violence.

However, we have concerns (see our response to question 8 and 9) that this option will not fulfil the stated aims of the consultation in the absence of a comprehensive strategy which enables partnerships to address serious violence as part of wider safeguarding duties, with guidance and resources.

SCYJ supports the promotion of VRUs or similar partnerships, which have proven to be effective worldwide at addressing multiple forms of violence. The London



Mayor's Office is already in the process of setting up a London-wide VRU, and the government has announced investment in VRUs in a few key locations across England, which SCYJ welcomes. As well as this, local VRUs or similar voluntary partnerships are already being developed in a number of local authorities. For example, Croydon Council is developing a Violence Reduction Network, bringing together public bodies and the community to cut violence. It makes sense to pursue this evidence-backed voluntary form of co-ordination that is currently being developed, rather than creating new structures or new boxes for agencies to tick.

The resources that would go into creating, implementing and enforcing a new legal 'public health' duty could instead go into identifying best practice and supporting local areas to set up their own VRUs. The resources from agencies that would have gone into ensuring compliance with the law could instead go into genuine, voluntary engagement from professionals working with children (please see our answer to question 9 regarding why we do not believe a legal duty to be effective).

Responses to serious violence should involve and be led by the community, family, and children and young people affected as far as possible. For agencies to be involved in children's lives and identify and address a wide range of needs, they must be able to build trust and have open discussions, for example around mental health or trauma. A local, voluntary approach better facilitates this form of participation than a statutory duty.

We are clear that this approach, if implemented correctly, would have the most positive long-term impact on children's welfare. For this approach to be successful it is important that there is clear leadership from government, and we suggest it is overseen by the Prime Minister to facilitate a truly cross-departmental approach and a strategy that considers all children's safeguarding needs outside the home. It is also crucial that the government invest in local services, so that they have the resources to respond to children's needs once they are identified.

As was done in Scotland, the government should invest in facilitating VRUs to spread awareness amongst professionals and the population as a whole around identifying and responding to children's needs, and increasing understanding of the drivers of violence. VRUs should be supported to ensure local organisations, agencies, and teachers are fully aware of the benefits of early intervention and of the need to share information regarding children's welfare appropriately. When professionals working with children can see the benefits to both their work and to the children of early intervention, and are supported to engage voluntarily with the multi-agency partnership, we are confident they will do so.

14. What other measures could support such a voluntary multi-agency approach to tackling serious violence, including how we ensure join up between different agencies?

We are concerned that a vision for tackling serious violence which is limited to the scope of the Serious Violence Strategy does not represent a holistic approach to protecting children from harm, which can consider the full range of partners and interventions needed, as well as the political and economic factors that contribute.

The Government's response to tackling serious violence should be part of a broader



strategy to improve the capacity of the safeguarding system, statutory and voluntary services to protect children at risk of harm outside the home, including but not limited to serious violence – but also child sexual exploitation, criminal exploitation and other forms of harm. We would recommend that a broader strategy was informed by innovative and emerging approaches to safeguarding children and young people which responds to their experiences of harm outside the home.²⁰

We welcome the recent launch of the Department for Education Tackling Child Exploitation Support Programme, and would like to see more resources put into programmes like this and examples of cross-departmental working to address issues related to serious violence. Contextual Safeguarding, developed by Dr Carlene Firmin at the University of Bedfordshire, offers an approach to address extra-familial harm, including serious violence. It is being piloted and embedded in areas including Hackney, Croydon, and South Kent.²¹

Voluntary sector organisations play a crucial role in any voluntary partnership approach. Such organisations are often based in and led by communities and therefore often have a greater understanding of local needs, and can be more trusted by service users than statutory agencies. The Government must support the voluntary sector to engage in the multi-agency approach.

Guidance for organisations involved must make reference to the Government's commitment to have due regard to the UN Convention on the Rights of the Child (UNCRC), in particular a commitment to making children's welfare a primary consideration, in line with article 3. The Government must also commit to carry out a child rights impact assessment. This is of particular importance in relation to data sharing.

Aside from your answers given in previous sections, are there any other considerations that you would like to raise regarding one or more of the proposed options?

In order for multi-agency working to be effective at reducing serious violence, the agencies must have the training and resources they need to respond appropriately once children's vulnerabilities are identified. They must have the confidence to support children at risk of criminal exploitation or serious violence, which fall outside of the traditional safeguarding lens. A genuine whole-system approach with leadership and both political and financial backing from government will be required for the stated aims of a public health approach to be fulfilled.

The response to children involved in serious violence is crucial, and SCYJ does not believe the current approach is effective. Children must be supported to move away from violence, and the response must consider not just the child but the whole family and community²². Children must not be unnecessarily criminalised, marginalised, and deprived of their liberty. We are gravely concerned about the

²⁰ See, for instance: <https://contextualsafeguarding.org.uk/>

²¹ <https://contextualsafeguarding.org.uk/blog>

²² <https://www.contextualsafeguarding.org.uk/en/blog/2019/working-with-parents-to-address-extra-familial-harm>



introduction of Knife Crime Prevention Orders, particularly in conjunction with any new legal duty to report children.

Sentencing for children involved in serious violence must take into consideration the child's needs, and the fact that many children involved in knife crime are vulnerable, exploited, and in need of trauma-informed care. There is emerging evidence regarding the scale of child criminal exploitation, for example the National Crime Agency has identified over 1,000 "county lines", where exploitation of children is a fundamental part of the drug-dealing model.²³ The response to serious violence must address this, including the absence of support offered to children recognised as victims of trafficking or Modern Slavery. This can increase their vulnerability to being re-trafficked and re-exploited; and affected by serious violence.²⁴

We are clear that sentencing children to custody will not be effective at rehabilitating children, and should be reserved for the most severe cases. Recent research by the College of Policing found that for children, "prison alone has been found to significantly increase reoffending, compared to non-custodial sanctions", adding to the wealth of evidence regarding the harms of child imprisonment.²⁵ We welcome the large reduction in numbers of children in the secure estate in recent years, but are concerned that a parallel response to children involved in serious violence - separate from other safeguarding duties - risks reversing this trend. Where depriving a child of their liberty is deemed necessary, it should be under a welfare-based model of care. For more information on the appropriate response to children in need of support and rehabilitation, see here: <http://justforkidslaw.org/wp-content/uploads/2019/04/ECI-Principles-and-Minimum-Expectations-FINAL-pub-18-April-2019.pdf>

We are concerned that the government's stated aim of reducing serious violence is likely to be undermined by elements of current government policy, for example clauses in the Offensive Weapons Bill that will increase the number of children sent to custody. A public health approach requires an overarching plan, yet the current approach is disjointed, with the Home Office creating policy that is out of line with the Ministry of Justice and other departments. For example, it is unclear whether the government has considered how the creation of this public health duty will fit within other policy developments, such as Knife Crime Prevention Orders or the Domestic Abuse Bill.

The contents of this document do not necessarily reflect the views of all member organisations of SCYJ

The consultation document is available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791253/SV_Legal_Duty_Consultation_Document.pdf

²³ <https://nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file>

²⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf

²⁵ https://whatworks.college.police.uk/Research/Documents/Knife_Crime_Evidence_Briefing.pdf

