

**Home Office**

**Consultation on a new legal duty to support a multi-agency  
approach to preventing and tackling serious violence**

**29 May 2019**

1. The NASUWT welcomes the opportunity to contribute to the Home Office's consultation on a new legal duty to support a multi-agency approach to preventing and tackling serious violence.

2. The NASUWT is the teachers' union.

**GENERAL COMMENTS**

3. The NASUWT recognises that the Government has a clear responsibility to ensure that active steps are taken to prevent and address serious violence involving children and young people. The Union's members, working with learners on a daily basis, are frequently confronted by the implications of involvement in serious violence on pupils they teach. Such involvement can involve young people who are the victims or perpetrators of serious violence as well as those who are affected by serious violence in their households or in the wider communities within which they live. For teachers and all staff in schools, the adverse impacts of serious violence on children and young people's safety, wellbeing and future life chances are entirely clear.

4. The NASUWT's views on the Home Office's specific proposals are set out below. However, it is important to place the role of schools in contributing to addressing the causes and consequences of serious

violence involving children and young people into its appropriate broader policy context.

5. The consultation document rightly identifies the critical role of multi-agency partnerships, including bodies within the education, health and social services, housing, youth services and criminal justice sectors in the development and implementation of effective policy and practice in this area.
6. The Union notes the emphasis placed by the Home Office on existing cross-agency initiatives, such as the Early Intervention Youth Fund and Community Safety Partnerships, as examples of work that it is undertaking to promote multi-agency collaboration in tackling the drivers of serious violence and its impact on children and young people.
7. However, while the NASUWT does not dispute that these initiatives have the potential to affect some degree of positive change, it is clear that they fall substantially short of a credible and coherent policy response.
8. The NASUWT remains clear that before the taking of office by the Coalition Government in May 2010, systems and structures in place prior to this point that promoted and sustained impactful multi-agency working have been dismantled and not effectively replaced.
9. In particular, the then Government's decision to discontinue the *Every Child Matters* strategy ended a demonstrably effective approach to ensuring that all local services for children and young people could work in purposeful partnerships. This comprehensive policy approach ensured that in all local communities, common core national expectations in respect of partnership working were in place, providing an appropriate degree of system-wide consistency, with a sufficient degree of flexibility to tailor practice to meet local needs. It should be

noted that matters related to addressing the causes and consequences of the involvement of young people in serious violence was a priority in the development of this approach. It is also essential to recognise that this strategy was underpinned by levels of investment in collaborative partnership working that ensured that all localities were able to access the human and financial resources necessary for high-quality inter-agency collaboration.

10. This pre-2010 strategy contrasts starkly with current policy, in which partnership and collaboration are highly variable across different local authority areas and, in many cases, falls short of the standards of provision in place previously. Significant reductions in funding, particularly in relation to the youth justice system and in core local authority services, have also had a profoundly detrimental impact on the reach and efficiency of cross-agency working.
11. It is evident that the proposals set out in the consultation document are insufficient to address these shortcomings. It is noted that the levels of increased public expenditure cited in by the Home Office, including the £200m Youth Endowment Fund and the additional £100 million allocated to the police, while welcome to some extent, cannot compensate for the cuts to public services imposed since 2010.
12. It should also be noted that the partnership initiatives, either in place currently or proposed by the Home Office, fail to include all relevant stakeholders or to reach all local communities. Further, these frameworks are not subject to clear national expectations in respect of their ways of working and are, therefore, likely to be associated with unjustifiable variations in practice across communities.
13. The Home Office's consideration of the importance of partnerships and collaboration is centred on an assertion that policy in future will seek to reflect the public health approaches to addressing issues related to violent crime advocated by the World Health Organisation (WHO) and

that are central to the demonstrably successful work of the Violence Reduction Unit in Scotland. However, it is clear that the WHO public health model implies a deeper and more sustained approach to multi-agency working than that envisaged in the consultation document. Further, the public health model implemented in Scotland has received significant investment and involves the type of multi-agency collaborative structures, set within the context of clear national guidance, that characterised previous arrangements in place in England.

14. In respect of arrangements in Wales, cited positively in the consultation document, it is not yet possible to review their effectiveness given their relatively recent introduction. However, it should be noted that requirements in respect of multi-agency working introduced through the Well-being of Future Generations (Wales) Act 2015, is based on the kind of system-wide strategic approach to collaboration across the children and young people's sector that the Home Office continues to reject in the context of public policy in England.
15. The NASUWT, therefore, calls on the Government to reconsider its approach to supporting multi-agency working in respect of all aspects of children and young people's well-being and future life chances, including those related to involvement in serious violence. The Government should engage with the NASUWT and other relevant stakeholders to develop consistent approaches to multi-agency working in all localities on the basis advocated above.
16. In respect of schools, such approaches would need to recognise the distinctive roles played by teachers in supporting and enhancing the welfare of children and young people, which are focused primarily on their undertaking their core responsibilities for teaching and learning, a key principle underpinning previously effective arrangements.

## **SPECIFIC COMMENTS**

### **Proposed new duties on schools related to preventing and tackling serious violence**

17. The NASUWT notes that the Home Office's preferred approach involves the introduction of a new duty on specific organisations, including schools, to 'have due regard to the prevention and tackling of serious violence'. The Union has profound concerns about this proposal.
18. At the outset, it is evident that the proposed duty resembles that imposed on schools in respect of the Prevent duty under the Counter-Terrorism and Security Act 2015. In effect, the effect of the introduction of this provision would be to broaden the scope of the Prevent duty to encompass serious violence.
19. As the Government is aware, the NASUWT does not believe that the Prevent duty, as currently conceptualised, contributes as effectively as possible to ensure that children and young people are kept safe. Moreover, the Union remains concerned that the premises on which the Prevent duty is based have served to vilify and marginalise particular community groups within society and have, thereby, undermined work to secure and further enhance community cohesion.
20. There is, therefore, a clear risk that the imposition of an additional duty on the basis proposed by the Home Office would compound these adverse consequences of the existing Prevent duty. In particular, the proposed duty would serve to reinforce inaccurate, over-simplistic and damaging public narratives about the current causes and consequences of serious violence rather than supporting a more considered and constructive consideration of this issue, including its extent and impact as well as how it is best addressed.

21. Without an effective and evidence-based analysis of the realities of serious violence, it will not be possible to develop and implement a coherent public policy response. The NASUWT is clear that the ill-conceived proposals set out in the consultation document are a direct consequence of the failure to conduct such an analysis.
22. Notwithstanding the Home Office's references to multi-agency working, it is apparent that the introduction of the proposed duty would make no meaningful contribution in this respect. The imposition of a crude duty on schools and other public bodies would do nothing to ensure that children at risk of involvement in serious violence are supported adequately.
23. The Home Office's proposal appears to rest on the assumption that schools are not subject to existing statutory obligations in this respect. This assumption is incorrect. Statutory guidance for schools, *Keeping children safe in education*, already makes clear that potential involvement in serious violence should be regarded as a trigger for intervention in the context of settings' internal safeguarding policies, including, where necessary, referral to relevant external agencies. There is, therefore, an evident risk that the introduction of a duty on the basis proposed by the Home Office could create confusion in respect of the interaction of this duty with that set out in *Keeping children safe*. Consequently, the ability of schools to respond appropriately to risks of harm would be detracted from rather than enhanced.
24. Further concerns can be identified in respect of the Home Office's proposal that schools have been given significant flexibility over how they might choose to implement this duty. Such an approach would lead to an increased risk of unacceptable setting-level variation in practice. Such arrangements are also inconsistent with the provisions set out in *Keeping children safe*, in which consistent expectations are articulated for every school.

25. For the reasons set out above, the NASUWT would, therefore, oppose any attempt to implement a statutory duty on the basis proposed by the Home Office.
26. Although not referenced explicitly in the consultation document, the NASUWT is concerned that at its launch, the Home Office left open the prospect that teachers and other staff in schools may be subject to a mandatory duty to report concerns about children and young people who may be at risk of involvement in serious violence. It is presumed that any such duty would result in regulatory or criminal sanctions for any non-compliance on the part of any member of school staff included within the duty's scope.
27. The NASUWT would be strongly opposed to the introduction of any such duty. It is evident that instead of promoting the informed and intelligent assessment of safeguarding risks on an institutional level, mandatory reporting would promote a profoundly unhelpful culture of defensive reporting. In such circumstances, staff in schools would be incentivised to report matters relating to individual children and young people that would be identified as inappropriate through a process of meaningful and proportionate risk assessment.
28. In such circumstances, local safeguarding agencies would become overwhelmed with referrals that would not otherwise be made, with a corresponding negative impact on these agencies' ability to focus their resources on children and young people most at risk. A consequence of such an outcome would be to place vulnerable children and young people at greater risk.
29. It is important to acknowledge that there is also no evidence to suggest that mandatory reporting duties in any circumstances reduce risks of harm. The NASUWT notes the risk of developing defensive reporting cultures and the lack of evidential support led the Government to withdraw proposals published in 2016 to introduce a mandatory duty to

report all cases of suspected child abuse and neglect. The Union is clear that the rationale for the withdrawal of this proposal was entirely correct and would apply with equal weight to a mandatory duty to report in cases where children and young people are suspected of involvement, or potential involvement, in serious violence.

### **Extending the duty on schools to collaborate with community safety partnerships and other criminal justice sector bodies**

30. The NASUWT notes the proposal set out in the consultation document that would require schools to collaborate with Community Safety Partnerships or other criminal justice sector structures. As referenced above, it is clear that a multi-agency approach must be central to enhancing children and young people's well-being and protecting their safety.
31. The model of collaboration advocated by the NASUWT involves participation from all relevant agencies and bodies that are relevant to children and young people, including those located within the criminal justice sector. However, the fact that the proposed duty to collaborate is centred on criminal justice sector collaboratives suggests that the Home Office has failed to recognise fully that the causes and consequences of serious violence cannot be addressed effectively through a disproportionate emphasis on the work of the police and other related bodies. This understanding is central to the public health approach the Home Office claims that it seeks to implement.
32. Notwithstanding this fundamental concern, the Home Office must also recognise that central to any effective partnership approach is an understanding of the challenges that such an approach can create if developed inappropriately. In particular, meaningful and sustainable collaborative working must involve an understanding of the distinctive nature of the roles and responsibilities of each participating body, as

well as ways of working that are manageable and do not impose excessive and unnecessary workload burdens on staff.

33. As evidence accepted by the Department for Education (DfE) confirms, teacher workload is currently at unacceptably high levels. Not only do these levels of workload undermine the right of teachers to a reasonable work-life balance, but are also a core contributor to the ongoing teacher recruitment and retention crisis. The NASUWT would oppose the imposition of any requirement on schools that fails to take sufficient account of these critical considerations.

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