

Serious violence: new legal duty to support multi-agency action

Response of the Association of School and College Leaders

1. The Association of School and College Leaders (ASCL) represents nearly 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to respond on this important issue.

Key points

3. The causes of serious crime are complex, but we know that organised gangs are increasingly involving children to carry out their criminal activities. Serious crime is therefore primarily an issue of organised adult crime in which some of our most vulnerable children can sadly become 'collateral damage'.
4. We do not believe that any of the three options proposed will of themselves solve this issue.
5. The key issue is what happens in response to reports about concerns made by education institutions. It is this response to reports which determines the outcomes for students, and this is where both the problem and the solutions lie.
6. While Option 2, with elements of Option 3, could provide a good starting point it is our view that in and of themselves none of the proposals will fundamentally change what happens in schools and colleges unless there is adequate funding and resourcing to support it.
7. We do not believe that there is a need for education to have a separate category for safeguarding children against serious violence as this is already covered in England within safeguarding as defined in *Keeping Children Safe in Education (KCSIE)*. In Wales, *Keeping Learners Safe* makes clear that all staff in education settings should be aware of the signs of abuse and neglect so that they are able to identify cases of children who may need help or protection.
8. There is a critical need for government to better fund and support all service providers and agencies working with children and young people. It is our view that the best way to protect children from being drawn into serious crime is to properly resource services for children, young people and families. This includes the police, social care and education.

9. In the case of serious crime, it is essential that there are adequate numbers of properly trained police officers. We would like to see ring-fenced funding for a safer school's officer employed by the police in every secondary school and college.
10. Services also need incentives, support and, crucially, the capacity to develop meaningful and sustainable partnerships.
11. ASCL members tell us that children are arriving at both primary and secondary school displaying much more challenging behaviour than in the past. It needs to be recognised that challenging behaviour in school is often an early warning sign of a safeguarding issue and a possible marker for those vulnerable to exploitation.
12. Schools and colleges would welcome guidance in some areas, such as when to involve the police regarding an individual student found carrying a knife, and what works to raise awareness of the dangers of being drawn into gangs and serious violence.

Lack of resources to support vulnerable children and families

13. We believe that the best way to address serious crime is to properly resource services for children, young people and families including the police, social care and education. In the case of serious crime, it is essential that there are adequate numbers of properly trained police officers. We would like to see ring-fenced funding for a safer school's officer employed by the police in every secondary school and college.
14. School funding per pupil has fallen by eight per cent in real terms over the past eight years, according to the Institute for Fiscal Studies¹. ASCL analysis has shown that the level of per pupil funding needed to deliver the basic expectation on schools in England in 2019/20 currently has a shortfall of £5.7 billion per year². In our sixth form and FE colleges the situation is even bleaker.
15. Pressures on High Needs Funding are creating further pressure on all schools, particularly those with high levels of pupils with SEND. We know that this is leading to significant and unsustainable overspends in the High Needs Block in many areas.
16. The result of funding cuts to education budgets has meant that schools and colleges have been forced to reduce staffing which means larger classes, less one-to-one and small-group support for pupils with additional needs, cuts to curriculum, cuts to extra curricula activities, and reduced support such as specialist mental health support. An ASCL survey in 2017³ found that almost all respondents were having to make budget cuts with 60% saying these cuts were severe and many expressing particular concern over the impact on the provision for the most vulnerable students. Things since then have only got worse.
17. Alongside cuts to school and college budgets we have seen severe cuts to both local authority and police budgets. Schools and colleges are having to carry to deal with the effects of the drastic reduction in the network of support services that used to sit around a school/college and the communities they serve which means that there is insufficient support for vulnerable families and children.

¹ <https://www.ifs.org.uk/publications/13306> Institute for Fiscal Studies. 17 September 2018.

² <https://www.ascl.org.uk/news-and-views/the-true-cost-of-education.html>

³ https://www.ascl.org.uk/news-and-views/news_news-detail.survey-finds-class-sizes-are-rising-as-a-result-of-funding-crisis.html

18. ASCL members report that there are significantly fewer police officers available to support children in education. It is unacceptable for the lack of police numbers to be putting teachers and school and college leaders, whose primary role is to educate, in the frontline in preventing students becoming involved in serious crime. There needs to be clarity around the fact that this is a role for the police, and education staff are not adequately trained to do this work and must not be put in danger.
19. ASCL members tell us that local provision and safe spaces for children and young people such as youth services have disappeared, and this is making it easier for children to be exploited by adult criminals.

Information sharing and partnership working

20. There is a need for better information sharing between services. All agencies but particularly the police and education will benefit from working in partnership and from a two-way sharing of information to safeguard children and help pre-empt serious safeguarding concerns from escalating.
21. ASCL members tell us that they used to receive valuable information from local police about incidents and issues with local families. Members tell us that they no longer have this kind of relationship with their local police due to cuts to police numbers. We would like to see a duty on police to ask any child who is arrested what school or college they go to, and for the police to inform the school/college when and why a pupil is arrested. In order for such a system to work effectively it will need to be adequately resourced.

The ways education deals with behaviour

22. Children displaying challenging behaviours are often those who are at greatest risk of grooming and of being drawn into violence. Schools and colleges should be resourced and supported to take a contextual view of safeguarding and to understand the evidence which shows that children who are suffering from issues around knife crime, criminal and sexual exploitation and domestic violence will tend to display challenging behaviour.
23. There is a need for guidance about what works in education. Any new measures that government introduces in this area need to be part of a wider programme to raise awareness amongst students of the dangers of being drawn into gangs and serious violence, and to ensure the issue has prominence amongst students and staff. School and college staff need training, support and resources to enable them to tell and show students about the reality of knife injuries and teach them how to spot signs that an individual may be at risk of exploitation so that they can safeguard each other. We support Ofsted's recommendations for London schools here as applicable across the country.
24. We would also like government to explore the evidence on the impact of youth workers and reformed gang members coming into schools and colleges to educate students about the realities and dangers of knives and organised crime.
25. We would also like to see greater incentives for schools and colleges to create inclusive cultures alongside adequate support and funding for them to be able to work therapeutically with all those displaying challenging behaviours.

Need for clarity on when to make a referral to the police

26. Schools and colleges need clear guidance on what to do in cases where students are found carrying knives. Members tell us that students who are excluded for carrying knives are not always referred to police or social services, who can work with them to tackle the root of the problem. Good alternative provision and Pupil Referral Units can do this work but only if the excluded child comes to them quickly and this is not always the case. We understand that some institutions avoid referring children to the police because they don't want to give the child a criminal record. This is mistaken as these children desperately need the expertise of specialist police. Schools and colleges need clear guidance in this area.

Managed Moves

27. We agree with Ofsted on the need for clarity on 'managed moves' for pupils who are found carrying a knife. The report into London schools⁴ found that "no single body has a clear picture of the number of children who are moved, where they go, or for what reason. It is difficult to know what happens to these children, whether they are kept safe or what their educational outcomes are". We support the recommendation that government should start collecting data on managed moves in the whole of England and Wales so that we can see how effective they are for vulnerable students.

Parents

28. Local services including education need resources and strategies to involve parents in discussions about local gang culture and organised crime. There needs to be clear routes for parents to express concerns they may have about their children as early as possible and for those concerns to be met with specialist advice and support.
29. Ofsted's lessons from London found that some institutions shy away from educating parents because they are worried about sending the "wrong message", despite evidence that these methods can effectively safeguard children. There needs to be better education for parents and support for schools and colleges to do this work well.

Option 1

30. Schools and colleges understand their safeguarding duties and they are consistently reporting issues and concerns about vulnerable children.
31. In England, KCSIE requires all school and college staff to look out for signs that a child may need early help if they are, "showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups". In such cases any staff member who has concerns should raise their concerns with the Designated Safeguarding Lead (DSL). The DSL is best placed to decide next steps including whether to report the concerns externally to social services or the police.
32. In Wales, *Keeping Learners Safe* makes clear that all staff should be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection and requires all schools to have a designated senior person (DSP) for child protection who will provide support to staff members to

⁴ <https://www.gov.uk/government/news/ofsted-stronger-partnerships-needed-to-tackle-knife-crime>

carry out their safeguarding duties, and who will liaise closely with other services such as children's social care and the police.

33. We do not believe it would be either workable or reasonable to make education institutions accountable for preventing serious violence and we question whether it is fair to put the onus on education for what is, in our view, primarily a government failure to properly resource support public services, particularly the police.
34. While on the face of it the proposed duty looks similar to the Prevent Duty, there is no evidence that once a report is made there will be a named specialist person to receive and act on the report. This is in contrast to the Prevent Duty where there are dedicated resources to put in place a holistic package of support for those considered vulnerable. If a new duty is introduced to report concerns around vulnerability to serious violence, it must be accompanied by the same level of resource and support for those considered vulnerable as there is under Prevent.
35. If this duty were to be introduced it will be essential that the Home Office work with education to ensure the duty is aligned with other safeguarding procedures and reporting mechanisms for schools and colleges. We welcome the following assertion from the consultation "It is anticipated that this approach would not impose new functions on the agencies specified but would ensure that those agencies placed an appropriate and proportionate weight on preventing and tackling serious violence whilst carrying out their pre-existing functions" but for all the reasons stated throughout this response we question the need for a new duty if this is the case.
36. If this duty were to be introduced, we are concerned that an unintended consequence may be a compliance response and over-reporting. It is our view that schools and colleges are already reporting issues and the problem is the lack of response from other agencies due to their capacity to deal with reports and their own shrinking budgets.
37. We question also who would lead each partnership, how government would monitor it and measure its success?
38. If a new duty were introduced, clarity and simplicity around what schools and colleges need to do are key. At present the responsibilities of education under the proposed duty are not clearly defined and we would seek clarity on the following:
 - The process and support available to the student and the school/college once a report was made? Will there be extra funding for this? Will there be dedicated workers as there is for Prevent?
 - What sort of behaviour would they be expected to report?
 - Who would they report to?
 - How would education be held accountable?
 - What would the consequences be?
 - What measures are in place to deal any unintended consequences such as over compliance?

Option 2

39. This is the option that we believe is mostly likely to make a difference as it builds on existing partnerships and supports a multi-agency approach for organisations including the police and education to work together. We do not, however, see this as a solution in itself as we have already expressed; we believe a solution is primarily about the capacity of services and resources.

40. ASCL members tell us that Safer Schools Officers, employed by the police can be very effective. We would to see adequate funding for and a commitment to a safer school's officer in every secondary school and college. Such individuals would need to be highly trained and their role protected. Safer Schools Officers could then be required to coordinate a multi-agency approach when there is a concern about a child or group of children at risk of getting drawn into serious crime. Such an individual could be trained to act as the fulcrum of safeguarding within education for issues involving serious crime.
41. ASCL members also tell us that in some areas they have access to safer neighbourhood officers who are not police officers but who work in communities to offer support. This can be a useful role but is not the same as an individual employed by the police and attached to a school, college or group of schools.
42. In order for this policy to be successful, government will need to find ways to disseminate and scale up good practice and ensure that the Community Safety Partnership members are drawn from the most suitable agencies.
43. There also needs to be consideration of the impact of local geography to ensure that the jurisdictions of the relevant partners are suitably aligned. Government will need to consider carefully how to ensure that the geographical scope of each partnership is right to address local issues and priorities.

Option 3

44. Ofsted's 2019 report⁵ into London schools and knife crime found that schools in London aren't supported well enough when it comes to dealing with knife crime and need to be included in strong multi-agency partnerships. We have found this report really helpful and would suggest that government look to the recommendations as applicable beyond London.
45. As Ofsted's report shows, while it is extremely rare for children to be caught up in serious violence on school grounds it is clear that education has an essential role to play in local partnerships. However, their role is not being realised and this is leading to inconsistencies in the way that schools (in London) respond to concerns.
46. ASCL would welcome policy that supports the process of education working with partners, especially the police. We believe that partnerships work best when there are clear incentives. We refer to the success of the London Challenge to incentivise and support partnership working and the positive impact this had on knife crime in London.
47. We understand that London is to get a multi-disciplinary Violence Reduction Unit of its own and government is committed to invest in further Violence Reduction Units in areas of England and Wales most affected by knife crime. We look forward to working with government to make sure that the needs of education are properly represented in these units and that access to additional funding and to support interventions in education settings, is made as easy as possible in order to avoid overly burdensome bureaucracy.
48. The relationship between serious violence and county lines drugs issues is key in some areas. Schools and colleges need to be incentivised and supported to work

⁵ <https://www.gov.uk/government/news/ofsted-stronger-partnerships-needed-to-tackle-knife-crime>

together (there are good but patchy examples of this across the country e.g. Stoke-on-Trent), to share intelligence about local gang activity and whom may be vulnerable to exploitation.

49. There is innovation funding from the Home Office for gang and youth violence and this can be applied for specific projects, but our understanding is that this is only made available to successful bidders for a defined period (usually two years) offering a piecemeal approach, rather than long-term political solution. We would like to see the learning from such projects shared and disseminated much more widely.
50. We note that Tower Hamlets has a good model of joined up, geographically based 'Rapid Response Teams', who can work with schools to help them to understand the long-term sensitivities in their communities to help identify and pre-empt violence.
51. We note that Stoke-on-Trent has a good model of school-led networks, involving senior leaders from all local secondaries who meet regularly to share insights about gang activity and individual children. We understand that government provides some funding for this through opportunity area and Home Office funding.

Conclusion

52. We think the issue of serious crime and specifically children and young people being vulnerable to criminal exploitation is to a large extent a result of poverty and the breakdown of public services. Over a third of children in the UK are defined as living in poverty and this is set to rise to almost 40 per cent of by 2021. Food banks are a common feature in the lives of far too many children and ASCL members tell us that large numbers of children are arriving at school hungry, dirty and inadequately clothed.
53. The Special Rapporteur on extreme poverty and human rights, Philip Alston has said that austerity policies since 2010 have dissolved the glue or social safety net that has held British society together since the aftermath of the Second World War. This chimes with what ASCL members are telling us: drastic cuts to local authorities' budgets have reduced the numbers of police on our streets, eliminated the capacity for social services to carry out crucial early intervention work with vulnerable families, and have forced local services such as libraries, child, family, community and youth centres to close. Schools and colleges are also facing drastic and unsustainable budget cuts which means they are being asked to do more with less. This is not sustainable. Our most vulnerable children and families cannot get the support they need which makes them more vulnerable to all forms of exploitation.
54. Schools and colleges will always do what they can to educate, nurture, support and safeguard all children so that they may thrive. In the current climate however, it is becoming increasingly difficult to do this and increasingly difficult to prevent children and young people becoming exploited by serious organised crime.

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