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Public Bill Committee

POLICE, CRIME, SENTENCING AND COURTS BILL

Sixth Sitting

Tuesday 25 May 2021

(Afternoon)

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Saturday 29 May 2021

The Committee consisted of the following Members:

Chairs: † Sir Charles Walker, Steve McCabe

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

Tuesday 25 May 2021

(Afternoon)

[Sir Charles Walker *in the Chair*]

Police, Crime, Sentencing and Courts Bill

Clause 3

Special constables and Police Federations: amendments to the Police Act 1996

2 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): When we adjourned this morning, I was agreeing with the hon. Member for Croydon Central that special constables make a vital contribution to keeping communities safe, through their professionalism, dedication and sacrifice. Increasingly, as they fulfil a range of specialised and frontline roles, they face the same risks as regular officers while on duty. Given that they share the range of powers that regular officers can deploy, we are very pleased to have included this clause in the Bill.

The hon. Lady asked me about the funding. We understand that the Police Federation is currently exploring funding options for specials' membership. The Home Office currently provides free access to an insurance policy for all special constables, to cover the costs of legal advice in the event of disciplinary and misconduct proceedings. We have no plans at present to withdraw from that insurance. I commend clause 3 to the Committee.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 4

Meaning of dangerous driving: constables etc

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

The Chair: With this it will be convenient to consider clauses 5 and 6 stand part.

Sarah Jones (Croydon Central) (Lab): We support clauses 4 to 6, which relate to police driving standards. The Opposition have been calling for some years for proper legal protections for police officers when they pursue suspects on the roads. We know that the police put themselves in incredible danger to ensure that suspects are caught, and they should not be criminalised for doing that job. One of the first events I attended as an MP was an event organised by the Police Federation, and this issue was part of the first conversation that I had with it. I pay tribute to the Police Federation and others who have campaigned for this change.

Clauses 4 to 6 amend the Road Traffic Act 1988 so that qualified police drivers are compared to what is expected of a competent and careful trained police driver, rather than what is expected of competent and careful drivers, for the offences of dangerous and careless driving. It makes a lot of sense to give the police these added protections when they are driving for police purposes.

For those who may have concerns about these clauses, it is important to consider the context in which this change is being made. The Independent Office for Police Conduct publishes an annual report on deaths during or following police contact. In 2019-20, 24 people died in road traffic incidents involving the police: 19 were pursuit related; three were emergency response related; and the two remaining incidents were classed as other police traffic accidents. The number of road traffic fatalities involving the police in 2019-20 was the fifth lowest figure since records began in the early 2000s.

The Police Federation has been campaigning since 2012 for the skills of police officers to be considered in dangerous and careless driving cases. John Apter of the Police Federation, giving us evidence last week, said:

> "All that we are seeking is for the training and the purpose of the journey to be recognised in law, because I think the public watching this would be astounded if they were to see a police vehicle engaged in a pursuit or an emergency response and that driver is then judged as any other member of the public. So, you take away the blue lights and the police markings, and that vehicle is treated as one being driven by any other member of the public. That is bizarre; that should not be allowed to happen."—[*Official Report, Police, Crime, Sentencing and Courts Public Bill Committee,* 18 May 2021; c. 22, Q34.]

The Police Federation says that the

"current legislation leaves drivers vulnerable",

and that subjecting drivers to conduct and criminal investigations as a result of being held to the same standards as a normal driver caused significant distress and impeded their careers. The Home Office's review of the law, guidance and training governing police pursuit in September 2019 concluded that it is not appropriate to hold officers to the same standards as regular guidance, and set out to consult on possible changes.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Is the hon. Lady aware that police forces have in place strict guidance on how police officers can use their driving skills? In particular, if a hot pursuit were to put members of the public at risk, they would have to desist from the pursuit.

Sarah Jones: The right hon. Gentleman is right; there are many other processes in place for when an accident occurs. As soon as an accident occurred, the IOPC would investigate why it happened. Measures are in place to ensure that the police do not do things that we would not expect of them. The amendment aims to make sure that it is very clear what is expected of them and what is not. When I spoke to the National Police Chiefs Council lead on those issues, it was clear to me that we have to enable the police to do what they need to do without fearing that they will be taken to court. There also need to be checks and balances to ensure that they do not overstep the mark.

The Government review was welcome. The IOPC concluded:

> "Any change to legislation must not have the unintended consequence of reducing public safety or undermining the ability to hold the police to account effectively".

That is very important. The change is welcome; it is not about the police driving without fear of scrutiny, but it is important that police are not prosecuted for doing what they have been trained to do.

It is also important to discuss an issue related to clause 4, which a number of police officers have raised with me. We tried to craft some amendments around this, but it was problematic, so I am just raising the issue. There was a concern that the number of officers who have undertaken the full level of driver training varies between forces, because there are various different levels of driving training, and what officers have will depend on where they are. Officers who do not receive the full training worry that they will be hesitant to do what may be required of them in the circumstances. For instance, if they were on a motorway and needed to ram a vehicle in order to save someone's life on the road, would an officer take that risk if they could end up subject to a criminal investigation?

The police clearly have to strike a fine balance in the circumstances they are presented with. I have no doubt that, in the main, they will do what is expected of them. Subsection (3) states that

"the designated person is to be regarded as driving dangerously… only if)—

(a) the way the person drives falls far below what would be expected of a competent and careful constable who has undertaken the same prescribed training, and

(b) it would be obvious to such a competent and careful constable that driving in that way would be dangerous."

Can the Minister provide some assurance? If a police officer who has done the basic level of police driver training finds themselves in a situation where they have to respond to an emergency incident that would require higher levels of training, how would they be protected?

On a matter related to clauses 4 to 6, the College of Policing has said that it would be "highly desirable" for police vehicles involved in pursuits always to be fitted with black boxes, which monitor the performance of drivers. Some forces, such as the Metropolitan police, fit all vehicles with those devices, but that is not the case everywhere. Could the Minister look into that? The cost might be prohibitive, but what would it take for all vehicles used in police pursuits to have those black boxes? What safeguards will be in place to protect drivers who have not had the highest level of driver training? Will that lead to more IOPC and court referrals, or can we be comfortable that the clauses as drafted will provide that protection?

Sarah Champion (Rotherham) (Lab): I am broadly supportive of the measures. When I go out with South Yorkshire police, I am always incredibly impressed by the amount of planning and expertise in the force, but I need to raise concerns made by the IOPC, which I hope the Minister will respond to. It, too, is broadly supportive, but it has raised a couple of reservations, including the fact that the lack of detailed information on the number and outcomes of investigations involving police road traffic incidents made it difficult to understand the full context of the proposed legislative change, and therefore how big the current problem is. It also says that any change to legislation must not have the unintended consequence of reducing public safety or undermining the ability to hold the police to account effectively. I wonder whether the Minister could comment on those points.

Allan Dorans (Ayr, Carrick and Cumnock) (SNP): On an almost minute-by-minute basis, highly trained police drivers respond to emergency calls on all our behalf. They rush to incidents of danger when others run away. They are highly trained and they deserve the protection afforded by the Bill, and to be judged by the standard of the training they have received, rather than the standard of a normal driver. This may seem a relatively unimportant feature of the Bill, but it is extremely important to the police officers who undertake these dangerous duties. It is a matter of great interest and concern that they should not be treated as criminals when all they are actually doing is performing their duties to the best of their abilities.

Victoria Atkins: Clauses 4 to 6 provide a new test to assess the standard of driving of a police officer. Should an officer be involved in a road traffic incident, this new test will allow courts to judge their standard of driving against a competent and careful police constable with the same level of training, rather than against a member of the public, as at present. Clause 4 applies the new test to the offence of dangerous driving, while clause 5 makes similar provision in respect of the offence of careless driving.

We believe that police officers need to be able to do their job effectively and keep the public safe. We are aware of concerns among some police officers over the legal position when pursuing suspected offenders or responding to an emergency. The hon. Member for Croydon Central asked about different standards of training. The proposed changes seek to strike the right balance between enabling the police to keep the public safe on the roads and pavements, apprehending criminals around the country who would otherwise pose a threat, and effectively holding to account the minority of officers who drive inappropriately.

The National Police Chiefs' Council has worked closely with police forces to standardise police driver training across England and Wales. This will ensure that police drivers are trained to a similar standard, depending on their role, and that the legal test for police drivers will have a fairer comparator. This will also include different levels of training to reflect the training and skills that each role requires.

Sarah Jones: The NPCC made exactly that point: people will have different levels of training. It just wants reassurance about officers who are not trained to do something that they end up having to do in the line of duty. Will they be affected because they have not had a very high level of training when, for example, pursuing somebody?

Victoria Atkins: This will include different levels of training to reflect the training and skills that each will require, so that difference is reflected. We are pleased to introduce these clauses. There is a careful balancing act between the interests of the law-abiding public and police officers while ensuring that standards are maintained on the road. These provisions will also extend, I am happy to say, to police driving instructors when they carry out advanced police driving techniques for the purpose of teaching trainee police driving instructors and trainee police drivers in the territorial police forces and other police forces. We believe that this new test strikes that balance, so I commend the clauses to the Committee.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7

DUTIES TO COLLABORATE AND PLAN TO PREVENT AND REDUCE SERIOUS VIOLENCE

2.15 pm

Sarah Jones: I beg to move amendment 78, in clause 7, page 7, line 33, after "violence", insert "and safeguard children involved in serious violence"

This amendment, together with Amendments 79, 80, 83, 84, 85, 86, 88 and 89, would ensure specified authorities involved in the "serious violence duty" safeguard children at risk of or experiencing from harm.

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

Amendment 79, in clause 7, page 7, line 38, after "violence", insert "and safeguard children involved in serious violence"

See explanatory statement to amendment 78.

Amendment 92, in clause 7, page 8, line 4, at end insert—

"(d) prepare and implement an early help strategy to prevent violence and support child victims of violence and prevent hidden harm."

This amendment would add a duty on specified authorities to prepare and implement an early help strategy.

Amendment 80, in clause 7, page 8, line 4, at end insert—

"(d) safeguard children involved in serious violence in the area, and

(e) identify and safeguard children who are involved in serious violence in the area as a result of being a victim of modern slavery and trafficking offences under the Modern Slavery Act 2015."

See explanatory statement to amendment 78.

Amendment 93, in clause 7, page 8, line 10, at end insert—

"(d) any children's social care authority for the area which is not a specified authority for the area."

This amendment would ensure that any children's social care authority which was not already involved in the strategy would be consulted in the preparation of the strategy.

Amendment 82, in clause 7, page 8, line 30, at end insert—

"(7A) The local policing body for the area must provide an annual monitoring report for local safeguarding partners on actions undertaken as part of a strategy."

Amendment 83, in clause 8, page 9, line 3, after "violence", insert "and safeguard children involved in serious violence"

See explanatory statement to amendment 78.

Amendment 84, in clause 8, page 9, line 6, after "violence", insert "and safeguard children involved in serious violence"

See explanatory statement to amendment 78.

Amendment 85, in clause 8, page 9, line 11, after "violence", insert "and safeguard children involved in serious violence"

See explanatory statement to amendment 78.

Amendment 86, in clause 8, page 9, line 11, at end insert—

"(d) identify and safeguard children who are involved in serious violence in the area as a result of being a victim of modern slavery and trafficking offences under the Modern Slavery Act 2015."

See explanatory statement to amendment 78.

Amendment 88, in clause 9, page 10, line 30, after "violence", insert "and safeguard children involved in serious violence"

See explanatory statement to amendment 78.

Amendment 89, in clause 9, page 10, line 32, after "violence", insert "and safeguard children involved in serious violence"

See explanatory statement to amendment 78.

New clause 17—*Child criminal exploitation—*

"At end of section 3 of the Modern Slavery Act 2015 (meaning of exploitation), insert—

'(7) Another person manipulates, deceives, coerces or controls the person to undertake activity which constitutes a criminal offence and the person is under the age of 18.'"

This new clause introduces a statutory definition of child criminal exploitation.

New clause 47—*Duties to collaborate and plan to prevent and reduce child criminal exploitation and safeguard affected children—*

"(1) The specified authorities for a local government area must collaborate with each other to prevent and reduce child criminal exploitation in the area and safeguard affected children.

(2) The duty imposed on the specified authorities for a local government area by subsection (1) includes a duty to plan together to exercise their functions so as to prevent and reduce child criminal exploitation in the area and safeguard affected children.

(3) In particular, the specified authorities for a local government area must—

(a) Identify the kinds of child criminal exploitation that occur in the area,

(b) identify the causes of child criminal exploitation in the area, so far as it is possible to do so, and

(c) prepare and implement a strategy for exercising their functions to prevent and reduce child criminal exploitation and safeguard affected children in the area.

(4) In preparing a strategy under this section for a local government area, the specified authorities for the area must ensure that the following are consulted—

(a) each educational authority for the area;

(b) each prison authority for the area;

(c) each youth custody authority for the area.

(5) A strategy under this section for a local government area may specify an action to be carried out by—

(a) an educational authority for the area,

(b) a prison authority for the area, or

(c) a youth custody authority for the area.

(6) Once a strategy has been prepared under this section for a local government area, the specified authorities for the area must—

(a) keep the strategy under review, and

(b) every two years, prepare and implement a revised strategy.

(7) A strategy prepared under this section may be combined with a strategy prepared in accordance with section 7 (Duties to collaborate and plan to prevent and reduce serious violence) or section 8 (Powers to collaborate and plan to prevent and reduce serious violence).

(8) For the purposes of this section, "child criminal exploitation" means activity which would constitute an offence under section [Child criminal exploitation] of this Act."

New clause 58—*Training on child criminal exploitation and serious youth violence—*

"(1) The Secretary of State must, within three months of the day on which this Act is passed, publish a strategy for providing specialist training on child criminal exploitation and serious youth violence for all specified authorities to which Chapter 1 of Part 2 of this Act applies.

(2) Before publishing the strategy the Secretary of State must consult such bodies with expertise in providing relevant training as the Secretary of State considers appropriate."

Sarah Jones: This is a really important part of the Bill. The Minister knows that I came into this House in 2017 absolutely determined to tackle the scourge of rising levels of serious violence, particularly youth violence, and she knows that I set up and chaired the all-party parliamentary group on knife crime and violence reduction, which relentlessly champions the need to prevent violence through strong policing, of course, but also through prevention. We have been in many debates together, and she has kindly met constituents of mine who have lost family members to knife crime, and she has also spoken to the APPG.

There has been a long conversation in Parliament about bringing organisations together to look at the stories behind the headlines, and to look at the evidence of what causes violence, in order to understand that it is not inevitable and that it is something we can affect. There is plenty of evidence from many places on how to reduce violence. Many other hon. Members across the House have campaigned on this, not least my hon. Friend the Member for Lewisham, Deptford (Vicky Foxcroft), who has done so much cross-party work on the issue.

Clauses 7 to 22, which place a duty on local authorities to plan, prevent and reduce serious violence, are welcome. At their core is the new duty on specified authorities to identify the kinds of serious violence that occur in a relevant place; to identify the causes of serious violence in the area; and to prepare and implement a strategy for exercising their functions to prevent and reduce serious violence in an area. That is significant. Although there are many "buts", which we will come to as we go through the amendments, it is important to recognise that that is a good thing and will make authorities work better together and make them look to prevent as well as reduce violent crime.

Of course prison is absolutely crucial in terms of justice and punishing those who have wronged, but we know that it does not stop overall levels of crime increasing. Although policing is absolutely vital, at the heart of everything we are talking about, we know that an increase in resources and focus leads to a reduction in violent crime, but it goes up again over a couple of years. We can look at how knife crime goes up and down. It goes up, there is a significant intervention from the police, there are more resources, and it goes down. People are locked up, but then a few years later it starts rising again. We know that the real long-term solution is prevention, as evidenced in many parts of Scotland—the example often given—and in other parts of the world as well.

We have talked about this before, but we know that the approach to prevention and tackling violence is more effective when it is tackled in the way that the last Labour Government tackled teenage pregnancies. We had the highest teenage pregnancy rates in Europe. It was a massive problem and everyone was very concerned about it. There was a moral panic about why so many were getting pregnant. There was a 10-year intervention that looked at the causes of why these things were happening, so it was not just about trying to stop girls having sex; it looked at why on earth their aspirations were so low. Their education and ambitions were not what they could have been. A broad approach, targeted from the centre and delivered locally over a 10-year period, reduced teenage pregnancy by 50%—a huge, long-term reduction that has remained pretty static. It has delivered a societal change because of the nature of the approach.

It is argued that we can do the same thing with violence, as has been done in Scotland. Over a long period of time we can reduce violence, and those levels can become the societal norms. We can shift the norms and reduce violence. That is what many of us have campaigned for, and it is at the heart of this new part of the Bill.

I will give another example. In Croydon, there was a review of 60 cases of serious violence among young people, which involved people who were murdered, people who were imprisoned for murdering other people, and people who had been victims or perpetrators of the most serious cases. They looked at all those cases and where the similarities were, and it turned out that half of those young people were known to social services before they were five years old. That tells us everything we need to know about how the duties should operate. If someone is in care, is vulnerable, has experienced domestic abuse in the home, has parents with addiction or does not have parents at all, there are things that make them more vulnerable to getting involved in violence later in life. If we intervene at the earliest possible stages, we can have a significant impact not just on the lives of those young people, but on society and on the cost to society. Figures about the cost of a murder are bandied around, although I am sure they are now outdated. People used to say a murder costs about £1 million, but it probably now costs the public purse significantly more.

Sarah Champion: I just wanted to congratulate my hon. Friend on making such a powerful and relevant speech. I also wanted to give her a moment to get a glass of water

Sarah Jones: I thank my hon. Friend for allowing me to get a glass of water.

Alex Cunningham (Stockton North) (Lab): I am really pleased that my hon. Friend has raised the issue of looked-after children. When I was the lead member for children and young people in Stockton, there was forever a group of young people whom we knew needed extra support, yet we found out that many of these young people ended up in the prison system later in life, which was a terrible tragedy. More power to her elbow, because we really need to tackle the problem early. I am sure she agrees with that.

Sarah Jones: I completely agree.

When we talk about violent crime, there is often a moral panic about what is happening, and we often see very polarised responses. Either it is all about more policing and more resources, or it is about tougher

[Sarah Jones]

sentencing—throwing people in prison and throwing away the key. Actually, we need to have a much more grown-up conversation about the causes of these issues and what the solutions are. I hope, and I think we all hope, that this part of the Bill is a step in the right direction towards doing that.

Moving on to the amendments that we have tabled, having held roundtable discussions and spoken to policing organisations, charities and others, I am concerned that, as currently drafted, the Bill will not deliver the results that we intend. There is a lot of talk of the need for a public-health approach to tackling serious violence that seeks to address the root causes, and we welcome the Government's acknowledgement of the need to shift the focus towards that. However, we do not believe that, as currently drafted, the proposals amount to a public health approach. We, along with several agencies, are concerned that there could be a number of unintended consequences for both children and the agencies involved if the statutory public-health duty is created without achieving the desired result of reducing the number of children who are harmed by serious violence.

A vision for tackling serious violence that does not also help to protect children from harm, does not include the full range of partners and interventions needed, and does not consider some of the more structural factors that contribute to violence, will not deliver the outcome that we want. We need a broader strategy that equips the safeguarding system and the statutory and voluntary services to protect children from harm, with the resources and guidance to do so. It should embed a response that takes account of the context in which children are at risk and that is trauma-informed, as we were discussing this morning. A duty for serious violence that presents these issues as distinct from wider safeguarding duties could lead to a more punitive approach to those children, which evidence suggests is inadequate to reduce violence. Of course, implementation of a new duty without additional resources will be difficult for services that are already tasked with rising demand and crisis management options, and have low staff retention.

Amendment 78, and the amendments to other clauses, make the specified authorities involved in the serious violence duty safeguard children at risk of or experiencing harm. In particular, amendments 80 and 86 refer to children involved in serious violence in the area as a result of being a victim of modern slavery and trafficking offences under the Modern Slavery Act 2015. The point we are trying to make is that the statutory duty to reduce violence cannot be effective on its own, without a statutory duty to safeguard children.

As an example, I met police from Exeter because there is a county line from London to Exeter, and the police had been working to tackle that issue. A senior police officer told me that there had been a number of occasions on which they had picked up a child at the coach station because they can quite often tell if someone is bringing drugs to the area, as they will get off the coach on their own with just a rucksack—the police pick up young children who are doing that. On several occasions, that senior police officer had to sit with the child in his office for hours because nobody would come to collect them. Perhaps the child is in foster care, which is very often the case, and because they have been found with drugs, the foster parents will not have them back. The local authority might not have any emergency foster carers and so cannot take the child back, and nobody will come to look after them. That child is committing a crime, but they are also a child who ends up sitting there playing computer games in a senior police officer's office in Exeter because nobody has worked out how to join things together and look after them.

Sarah Champion: Does my hon. Friend agree that those children are symptoms and casualties of crime, rather than the cause? We need some sensitivity in the Bill to recognise that.

Sarah Jones: My hon. Friend is exactly right. We do not disagree with the premise of what is in the Bill, but we think those two things need to come together. I am sure we all have examples of cases where children are manipulated and groomed into committing criminal offences. They sometimes have no choice whatever, or they feel that they have no choice. Those things have to be looked at together or this will not work.

Amendment 92 would add a duty on the specified authorities to prepare and implement an early help strategy to prevent violence, support child victims of violence and prevent hidden harm. The Minister may say that that could be part of the wider duty, but we have tabled the amendment because that early intervention is crucial to prevent violence before it occurs, and that really ought to be in the Bill.

We in this place will all have spoken to and had presentations from people talking about ACEs—adverse childhood experiences—whether domestic abuse or a violent death, for example. Violent death in particular causes significant problems for young people and has not really been looked at enough. We know about all those ACEs, and we know that the systems and structures in place at the moment often intervene at the point of absolute crisis rather than intervening earlier and more effectively by trying to break the cycle of violence. Including an early help strategy in the Bill would ensure that that crucial element is not forgotten. That is part of a much wider issue that is out of scope of the Bill, including Sure Start, the importance of schools and intervention, and the funding of child social services, but we want the principle of early intervention to be included in the Bill. It is important that the Government, local authorities, the police and the voluntary sector have a joined-up approach to preventing, recognising and responding to violence. Central to that must be the need to prevent the criminalisation of children, as well as early intervention to prevent young people from becoming involved in violence in the first place.

2.30 pm

Amendment 93 would ensure that any children's social care authority not already involved in the strategy would be consulted in the preparation of the strategy. The accompanying draft statutory guidance does not specify the need for local partners to work with one another to safeguard vulnerable children in their areas. Our amendments would add in the vital yet missing focus on safeguarding children. For youth violence and knife crime to be tackled successfully, they must be part of a broader strategy that equips the safeguarding system,

statutory and voluntary services to protect children from harm outside and inside the home, with resources and guidance to do so.

"Prevention" and "intervention" are just words, but they might have completely different meanings in the context of policing or safeguarding. Police prevention tactics may include stop-and-search and issuing civil and criminal injunctions—orders that can result in the criminalisation of children. Sometimes that correct, but that is the approach taken. The police may also welcome diversionary activities, although those are likely to be offered only once a child is already known to them. Preventive safeguarding activity, on the other hand, can be focused on offering support to a child and family through targeted or universal services at the first sign of issues in their lives becoming difficult, to prevent them from being coerced in activity associated with serious violence.

Sarah Champion: This point is more to do with new clause 47, but it is appropriate now. Does my hon. Friend agree it is vital that the serious violence duty and accompanying strategy interact with local authority strategies to tackle child exploitation, the national violence against women and girls strategy and the national tackling child sexual abuse strategy as well as others?

Sarah Jones: Yes, my hon. Friend is right. They all need to join up, but some organisations have asked questions about how such things will join up effectively to ensure that offshoots of activity are pulled together as one whole.

New clause 47 would ensure that the bodies under the duty collaborate and plan to prevent and reduce child criminal exploitation and safeguard affected children. The new clause takes the definition of modern criminal exploitation from new clause 17, tabled by my hon. Friend, which would amend the Modern Slavery Act 2015 to introduce this statutory definition of child criminal exploitation:

"Another person manipulates, deceives, coerces or controls the person to undertake activity which constitutes a criminal offence and the person is under the age of 18."

The definition would cover activities such as debt bondage and GPS tracking by gang leaders of those coerced into running county lines. When I was in Birmingham a few weeks ago, I heard about very young gang members. Yes, they were scared, but they were so invested in their criminal gang leaders, whom they saw as their family, that they were prepared to commit crimes that would put them in prison for very small amounts of money. They genuinely believed that was the most sensible choice available to them. They were clearly exploited, but there is not necessarily a definition in place to respond appropriately to that.

As my hon. Friend said, children who are groomed and exploited by criminal gangs are the victims, not the criminals. Many different organisations have flagged, as witnesses said last week, the fact that the absence of that statutory definition makes it harder for agencies to have a co-ordinated and effective response to vulnerable children.

The serious violence duty is a unique opportunity to bring together all the relevant authorities for training and action at a local level. In the past decade, county lines drug dealing has been a major driver of serious violence across the country. I am afraid that since the National Crime Agency's first county lines assessment in 2015, the Government have been slow to respond, and cuts across the public sector have made things worse. Sadly, county lines drug networks rely on the grooming of vulnerable children to act as drug runners. They are badly exploited, then abandoned when they are no longer of use to the gang leaders. The Children's Commissioner for England has estimated that 27,000 children are gang members. Modelling done by crime and justice specialists, Crest Advisory, identified 213,000 vulnerable children.

Children and vulnerable young people experiencing serious violence require a different response from that given to adults, and being involved in violence is often an indicator that children are experiencing other significant problems in their lives, such as being criminally exploited. Despite growing recognition of child criminal exploitation, there are still concerns that many children and young people involved in exploitation are not being identified or sufficiently supported by statutory services. Too often, these young people only come to the attention of the authorities when they are picked up by the police, caught in possession of drugs or weapons, or through involvement in a violent assault.

I should also mention the important issue of young girls who are involved in gang activity. I met a young girl who had been involved and had been injured as a result. She was in a hotel room with several gang members, who had money and drugs. The police had raided the hotel and arrested all the boys, but told the girl to be on her way because they did not know how to respond to her. She was in danger and was being exploited, but the police response was not there because they were not used to dealing with girls in that situation. Presumably they thought they were being kind, but they were actually leaving a girl who had been exploited to potentially still be in danger.

Alex Cunningham: When I was a member of the Education Committee, we carried out an inquiry around support, particularly for girls, and we had an evidence session with young people. A 16-year-old girl, who had been a victim of exploitation, had been placed in an out-of-town YMCA somewhere in Kent, to live there until the authorities sorted out what needed to happen with her. She told stories of men braying at her door at night asking her to come and party. That is all the more reason why we need a multi-agency approach, so that girls like her are properly protected.

Sarah Jones: Sadly, that tale is probably not uncommon. I am sure that the response of agencies to girls is better than it was, but it is still not joined up in a way that provides the support that is needed.

Children and young people who are victims of child criminal exploitation and gang violence are not being identified in time to save their lives, literally, and to save other people's lives, despite frequent opportunities to do so. Communications between agencies and the recording and sharing of data is often poor, and support for at-risk children is inconsistent. As the 2019 report on gangs and exploitation by the previous Children's Commissioner found, only a fraction of children involved in gang violence are known to children's services.

The experience of being criminally exploited is extremely traumatising to children, and it is unlikely they will be able to escape these abusive experiences and rehabilitate

[Sarah Jones]

without significant professional support. The approach to tackling child criminal exploitation must combine effective enforcement with long-term safeguarding and support strategies that are focused on managing long-term risks as well as the immediate ones. Too often vulnerable children receive crisis-driven care, not the long-term trust that they need, which would be provided by preventative support.

As part of criminal exploitation, children may be threatened into carrying knives or perpetrating violence against rival groups. It is important to understand the underlying causes of why children might be involved in violence and for these underlying causes in a child's life or in the lives of children within a certain area to be addressed. This would involve adopting a more universal understanding of how children are coerced, controlled and threatened into serious violence, taking disruption action against those who coerce and control children, and ensuring that the response to children is centred on addressing their needs, fears and experiences.

Sarah Champion: I was struck by and am still musing on the fact that, earlier, when the example of a child carrying out a crime was given, the word "choice" was used. Does my hon. Friend agree that, in the situation she describes, these children have no choice unless we add to the Bill the measures that she argues for?

Sarah Jones: I agree that they do not have a choice, but I have met young people who committed crimes as a child who believed that they did have a choice and that they were making the right choice because their parents had no money and they wanted to pay the bills. They believe that they are making sensible decisions, but they are children and they are vulnerable, and they are not. We need to provide support if we are going to stop them spiralling into a life of crime in the future.

New clause 58 was tabled by my hon. Friend the Member for Vauxhall (Florence Eshalomi), who now co-chairs the all-party parliamentary group on knife crime and violence reduction, and who worked with Barnardo's on the new clause. It would require the Government to publish a strategy for providing specialist training on child criminal exploitation and serious youth violence for all specified authorities to which chapter 1 of part 2 of the Bill applies. It is really important that all bodies involved in safeguarding children and the prevention of serious violence receive proper training in looking out for and preventing child criminal exploitation. The training of professionals can make all the difference when identifying children who have been criminally exploited and in understanding the dual nature of a child being an offender and a victim.

I have had trauma training, as I am sure have several people in this room. I cannot tell hon. Members how useful it has been to understanding the issues children deal with and which levers might be used. I was in a meeting with police recently, talking about a 15-year-old boy who had just committed quite a serious crime. The police officers, who had had trauma training, had a relationship with this child because they had been playing football with them for several months before the crime occurred. They were able to appreciate that the child had an alcoholic mother who was abusive, and we were able to talk to some charities about getting some support for that child. The police understood what interventions were needed to try to pull the child out of criminal activity and pushed towards a life of non-criminal options. It was amazing to see. Having that training and understanding some of these underlying issues is really important. I am grateful to my hon. Friend the Member for Vauxhall for tabling the new clause, which we will support.

Sarah Champion: I want to express my gratitude to my hon. Friend the Member for Croydon Central for the amendments and new clauses she has tabled. Effectively, my new clause 17 underpins and provides the impetus for the work that she detailed, and I am grateful to the Children's Society for helping me to develop it.

I start from the position of being the MP for Rotherham, where 20 years ago it was not uncommon for girls to be raped, abused by gangs or forced into carrying out crime on behalf of those gangs. They would get a criminal record and would be told that they were child prostitutes, and their lives were destroyed accordingly. We now have a definition of child sexual exploitation. That completely changed the attitudes of all the agencies, including the police and the social services, and the general population to the fact that exploitation of those children was happening.

It is clear that child criminal exploitation is going on, whichever heading we put it under, but we are quite a long way behind in our understanding of what that actually means. New clause 17 would place a statutory definition of criminal child exploitation in law for the first time by amending the Modern Slavery Act 2015. For it to be truly effective, the Modern Slavery Act must adapt as new forms of exploitation are recognised. Child criminal exploitation is the grooming and exploitation of children into criminal activity. There is a strong association with county lines, but it can also include moving drugs—I am grateful to my hon. Friend the Member for Croydon Central for adding to my knowledge; I now know what "plugging" is, which children are forced to do—financial fraud and shoplifting. Obviously, that has been around for decades, but we are only just waking up and realising the harm and damage that those criminals are causing children. The true scale remains unknown, as many children fall through the cracks of statutory support.

The Children's Commissioner estimated that 27,000 children are at high risk of gang exploitation. During 2020, 2,544 children were referred to the national referral mechanism due to concerns about child criminal exploitation, and 205 of those cases involved concerns about both criminal and sexual exploitation. My hon. Friend rightly highlighted that girls are criminally and sexually exploited by the same gang.

2.45 pm

It is clear that thousands of children are being criminally exploited, and the response to those children must be immediate and properly resourced. Experts believe that a lack of understanding of child criminal exploitation prohibits the effective and joined-up response that my hon. Friend spoke about. The lack of a single definition means that local agencies respond differently to this form of exploitation across the country. The Children's Society data show that a third of local authorities had a

policy in place to respond, but that means that two thirds do not. Given the nature of this exploitation, it is imperative that there is a national shared understanding. Let us compare the understanding and experience of child sexual exploitation now with what it was even five years ago. Now, the response is very different because we have that definition that everyone understands.

Many children who are criminally exploited receive punitive criminal justice responses rather than being seen as victims. It is striking to me, having worked for the all-party parliamentary group for adult survivors of child sexual abuse, that most boys who have suffered sexual abuse are picked up through the criminal courts, not through social services, because the abuse that has happened to them leads them into a spiral, as my hon. Friend the Member for Croydon Central outlined so well. In 2019-20, 1,402 children were first-time entrants in the youth justice system due to drug offences, and 2,063 were due to weapons offences. Both those issues are often, if not always, associated with criminal exploitation through the county lines drug model. I must reflect on what would have happened if, rather than see them as criminals, we saw them as victims and survivors.

The statutory definition should lead to better awareness among the criminal justice agencies of how to spot signs of child exploitation, and of what is in the best interests of the child. Many children are coming to the attention of services when they are arrested for the crimes. That should be seen as a warning sign, not as a standalone crime. A serious case review into the death of child undertaken last year in Walthamstow acknowledged that agencies did not unanimously confirm until very late into the cycle of exploitation that the child was being criminally exploited, after that child had repeat involvement from police, social services and schools as a criminal. Tragically, that child went on to be murdered. The new clause would improve the child protection and criminal justice response to child victims of criminal exploitation, and refocus the justice system on the perpetrators of the abuse. It frustrates me enormously that we forget about them so often in these situations.

There are legitimate concerns that groups or individuals who exploit children for criminal activity are not being held to account. Those concerns are right. Only 30 charges under the Modern Slavery Act were flagged as child abuse in 2019-20. Hopefully, putting that definition in the Bill will address that and get the perpetrators arrested instead. The Government have rightly adopted the statutory definition of domestic abuse; they must do the same for vulnerable children experiencing criminal exploitation. When asked about this, the witnesses all supported the amendment. They acknowledged that it is a starting point and is likely to evolve and develop over time, but we have to get that starting point in the Bill.

The Minister may have concerns about the amendment, and I will try to head them off at the pass, but I start by acknowledging the great work that the Home Office and the Minister are doing daily to try to disrupt and counter the drugs network that we know as county lines. It is an ever-expanding problem that the Minister has to deal with. The new clause is designed to try to help with that process.

I acknowledge that child criminal exploitation is defined in the "Serious Violence Strategy", but that definition is not in primary legislation and is not universally deployed, or indeed understood. Many professionals find the definition problematic, as it refers to the child being coerced into a criminal activity in exchange for something that they need or want. My assumption is that that is because it developed out of the definition of child sexual exploitation, but it does not reflect the true imbalance of power, which my hon. Friend the Member for Croydon Central highlighted. These need to be seen as children who are being coerced and manipulated, not children who are on a level with the abusers and criminals.

Alex Cunningham: I am just reflecting on the attitude of the professionals who do not actually understand or do not have a clear enough definition with which to work. What changes do they want to ensure clarity and that they can better protect people?

Sarah Champion: My hon. Friend is absolutely right to raise that. I am going off on a slight tangent, but *The Times* is tomorrow coming out with an article about child sexual exploitation. One of the key indicators of that is children going missing, and it cites the case of one girl who went missing 197 times, each time being reported to the police—this is recently—but the police still did not act. Just having the definition is not enough. This is about the issues that my hon. Friend the Member for Croydon Central described. It is about the training, public awareness, and all the agencies working together when they see that child. What I have found with the CSE definition is that having that hook does really sharpen and focus professionals' minds around it. We have taken huge strides when it comes to child sexual exploitation, because we have that definition in place and because there is a level playing field when talking about it.

Sarah Jones: I congratulate my hon. Friend on the very powerful case she is making. It reminds me of a conversation that I had recently with police officers, who were talking about the number of children who go missing but are not reported to the police as missing, because the family have other children, siblings of the missing child, and are nervous that if they report that one child has gone missing—who will probably come back, because he is doing county lines—the other children might be taken into care. That underlines the case for training and understanding of these issues beyond just policing. It is through education and terminology that everyone can understand that all the different organisations involved in trying to reduce this can understand some of the issues and intervene when they need to.

Sarah Champion: Exactly. Once people have the definition, they have a list of the indicators, and going missing would of course be one of those, so the first thing that would cross the social worker's mind, rather than "Oh, this is bad parenting," would be, "Could the child be being sexually exploited? Could the child be being criminally exploited?" It really shifts the mindset of the professionals. I thank my hon. Friend for that intervention.

There is another potential nervousness that the Minister may have. I know that a statutory definition of child criminal exploitation was explored when the Modern Slavery Act was reviewed in 2019. I note that the reviewers' main concern was about a narrow definition

[Sarah Champion]

of child criminal exploitation that would not be future proof as the exploitation adapted. That is why the definition that I am proposing is broad and simple, focusing on the coercive and controlling behaviour that perpetrators display in relation to their victims, not on the very specific criminal act itself.

I know that the Home Office has raised concerns with regard to use of the section 45 defence in the Modern Slavery Act and children being able to take advantage of that. I am aware that colleagues have also raised concerns about unintended consequences that this definition might have for the use of that defence, but I do not believe that there would be those unintended consequences. A clear definition of child criminal exploitation would guide a jury far better than is the case now, as jurors would need to weigh up the evidence and consider the defence but would be aided by a much clearer definition of what constitutes relevant exploitation. That would in fact reduce the risk of the section 45 defence being used spuriously, which is a concern that colleagues have raised with me. This definition would not change the provisions under section 45, but I hope that the awareness raising that would come with a statutory definition of child criminal exploitation would enable genuine victims of exploitation to use the defence more routinely.

The Chair: Before we move on, I remind colleagues that they are meant to address the Chair. I am seeing quite a lot of backs. I do not mind seeing backs occasionally, but it does help *Hansard* writers and everybody here if we have a little bit of fluidity and motion. I call the Minister.

Victoria Atkins: Sir Charles, I am probably the worst offender for that, so forgive me—I will try to face forward.

Before I turn to the specifics of the amendments, it may assist the Committee if I set out why we feel it necessary to create the duty. Serious violence has a devastating impact on victims and their families. It instils fear in communities and it is extremely costly to society. It is always difficult to talk about economic cost when we are talking about children in harm and grieving families and so on, but there is an economic cost as well.

Incidents of serious violence have increased in England and Wales, and it is for that reason that we have decided to introduce the serious violence duty. The duty is a key part of the Government's programme of work to prevent and reduce serious violence. It involves taking a multi-agency approach to understand the causes and consequences of serious violence, focusing on prevention and early intervention, informed by evidence. In addition to tough law enforcement, we need to understand and address the factors that cause someone to commit violent crime so that we can prevent it from happening.

Analysis of responses to our 2019 public consultation, which tested options for a public health approach to tackling serious violence, found an overall consensus that a legislative approach was preferred to a voluntary, non-statutory approach. We know that that is already being undertaken in some areas, such as those with a pre-existing violence reduction unit, but there is inconsistency across England and Wales. We envisage that the duty will create the conditions and legal basis to bridge that gap.

At its core, the duty will require specified authorities to work together and share data and intelligence. They will also need to formulate an evidence-based analysis of the problems associated with serious violence in their local area, and subsequently produce and implement a strategy detailing how they will respond to those particular issues. The duty will be placed on specified authorities from the police, justice, fire and rescue, health and local authorities. Education, prison and youth custody authorities will be under a separate duty to co-operate with the specified authorities where required; they can also choose to collaborate voluntarily with the specified authorities, or with each other, should they wish to do so. There will be requirements for authorities to consult all such institutions in their area as they prepare their strategy.

We know how important it is that we get implementation of this new duty right and that we ensure that the authorities understand what will be required of them. That is why we have published draft statutory guidance to support the implementation of the new duty. That guidance, which is available to hon. Members now, explains the requirements of the new duty and provides advice on how they can be met effectively, including examples of good practice. We have done that precisely because we want Parliament, charities and others to examine the document and feed in their thoughts on how it can be improved, ensuring that the guidance is as effective as it can be ahead of implementation of the new duty.

3 pm

Moving on to what I am calling—as there are so many of them—the "safeguarding amendments", I will set out the context of the duty and the multi-agency partnership working that already exists, because I think it is important in answering the concerns that have been raised through the amendments. Multi-agency working is central to protecting children. In 2017, we introduced significant reforms requiring local authorities, clinical commissioning groups and chief officers of police to form multi-agency safeguarding partnerships. We work nationally and locally to ensure that those multi-agency safeguarding arrangements are as effective as possible.

With strategic oversight from these three partners, multi-agency safeguarding arrangements can co-ordinate identification, protection and intervention for those at risk in a way that best responds to local circumstances. We all understand that the particular circumstances in our own constituencies will differ from those in other parts of the country. There is an enormous variety of them. Indeed, they vary from one part of London to another. That is why there is an emphasis on local decision making. These arrangements should also link with other work happening locally, including community safety partnerships and violence reduction units, where appropriate.

All the statutory safeguarding partners responsible for these arrangements are also named as specified authorities under the serious violence duty, and we are clear that local areas may use existing multi-agency partnerships to prepare and implement their strategies where possible. Our concern with the specific safeguarding requirement proposed by the amendments is that they would duplicate existing safeguarding legislation.

On amendments 80 and 86, which relate to the identification and safeguarding of child victims of modern slavery, I assure the Committee that the Government

are committed to tackling the heinous crime of modern slavery. In England and Wales, public authorities specified in section 52 of the Modern Slavery Act 2015 have an existing statutory duty to notify the Home Office when they come across potential victims of modern slavery, where they have reasonable grounds to believe that person may be a victim of slavery or human trafficking.

This duty is discharged by referring a potential victim to the national referral mechanism. If the potential victim is a child, there is no requirement to obtain their consent to the referral. That is useful when the child, as the hon. Member for Croydon Central described, does not necessarily view themselves as a victim, but adults coming to the situation with objectivity may very much disagree with the child's analysis.

We are conscious of the problems posed by cross-border crossings involving county lines gangs and children who are in local authority care in one part of the country. That was set out in the example given by the hon. Member for Croydon Central of the child in Exeter. Although it is separate from the Bill, the NRM transformation programme is part of our work to address the issue and is exploring alternative models of decision making for child victims of modern slavery. A pilot programme will test whether decisions to refer a child through an NRM, and what happens to them thereafter, would be better made within existing local safeguarding structures.

Sarah Champion: When the national referral mechanism was introduced, I was struck that the responses to my freedom of information requests showed that it was not UK children who were being referred. There was a perception that it was international children, whereas the act of trafficking can mean literally taking a child from one side of the street to the other. Has the situation changed, and will anything in this work make that apparent to local authorities and other safeguarding organisations?

Victoria Atkins: I am extremely grateful to the hon. Lady for her question. Sadly, the situation has changed and now the most common nationality of potential child victims of modern slavery is British. As she knows, the NRM is more than a decade old. The criminal world has moved on and the needs of the children we are trying to help, as well as those of adult victims, have changed.

The transformation programme is looking at whether there are different ways in which we can help victims, depending on the safeguarding arrangements that may already be in place and whether children have any family or parental links with this country. Clearly, the needs of a child from Vietnam who has no family links in this country may be very different from those of a child who has been born and brought up here, with parents looking after them and with brothers and sisters. We are trying to find ways to address the needs of all victims, but particularly child victims in this context.

Local authorities are of course already responsible for safeguarding and promoting the welfare of all children in their area, including child victims of modern slavery. Children's services must already work in close co-operation with the police and other statutory and non-statutory agencies to offer child victims of modern slavery the support they require. With the background and context that it is already mandatory, we therefore conclude that it is not necessary to include that as a further requirement in the Bill.

I turn to amendment 92 and an early help strategy. The hon. Member for Croydon Central is right to point to the need for a focus on prevention, which is a key part of what the duty seeks to achieve. Early intervention is an important part of prevention work and reducing serious youth violence. The duty already sets out the responsibilities of specified authorities and the work they are to undertake, which includes risk factors that occur before a young person has become involved in serious violence. The specified authorities, including the local authority that has responsibility for children's social care, will be required to consult education authorities in preparing the strategy. They can also be required to collaborate on the strategy. As such, the provision should already ensure that a strategy to reduce and prevent serious violence would encapsulate early help for this cohort, so we do not believe that an additional strategy is required. Again, I refer to the draft statutory guidance that already has early intervention running throughout it. Indeed, we plan to add case studies before formal consultation, to help explain and guide multi-agency partners.

On amendment 93, children's social care authorities have a crucial role to play and significant insights to share, particularly for those young people at risk of becoming involved in serious violence, child criminal exploitation or other harms. However, local authorities that are already named as a specified authority under the duty are responsible for children's social care services. Therefore, for the reasons I have already outlined, we do not believe it necessary for the clause to contain the explicit requirement to consult such services, because they are within the definition of local authority. Again, we will make it clear, as part of our draft statutory guidance on the duty, that social care services, among other vital services for which local authorities hold responsibility, must be included.

We believe that amendment 82 is also unnecessary, given the functions conferred on local policing bodies by clause 13, which are intended to assist specified authorities in the exercise of their functions under the duty and to monitor the effectiveness of local strategies.

I turn to new clause 17 and the important issue of child criminal exploitation. I thank the hon. Member for Rotherham for setting out the case for providing in statute a definition of child criminal exploitation. Child criminal exploitation in all its forms is a heinous crime, with the perpetrators often targeting and exploiting the most vulnerable children in our society. We are determined to tackle it. There is already a formal definition of child criminal exploitation included in statutory guidance for frontline practitioners working with children, including "Keeping children safe in education" and "Working Together to Safeguard Children". In addition, as the hon. Lady noted, the definition is also included in the serious violence strategy, published in 2018, the Home Office's "Child exploitation disruption toolkit" for frontline practitioners, and the county lines guidance for prosecutors and youth offending teams.

We have discussed the introduction of a further statutory definition with a range of organisations and heard a range of views. On balance, the Government have concluded

[Victoria Atkins]

that there are risks with a statutory definition. Some partners highlighted the changing nature of child criminal exploitation. Inherent to such exploitation is that it evolves and responds to changes in the criminal landscape and the environment. As such, there are concerns that a statutory definition could prove inflexible as the nature of child criminal exploitation adapts.

In addition, as the hon. Lady has rightly noted, the independent review of the Modern Slavery Act, conducted by Frank Field—now Lord Field—and by my right hon. Friend the Member for Basingstoke (Mrs Miller) and Baroness Butler-Sloss, considered the definition of child criminal exploitation under the Act and concluded that it should not be amended, as the definition currently in place is sufficiently flexible to meet a range of new and emerging forms of modern slavery.

We believe that our focus should be on improving local safeguarding arrangements to identify and support victims of child criminal exploitation, and on working to ensure that the right support is in place locally to protect these very vulnerable children.

Sarah Champion: I appreciate, foresaw and understand all the objections that the Minister raises. As she is a former barrister and someone who uses the law, does she agree that it would help to have a definition, as our witnesses said?

Victoria Atkins: Well, we do have the definition in the Modern Slavery Act. Modern slavery cases are notoriously difficult to prosecute because, as with other hidden harms, they require the involvement of often very vulnerable people, including adults as well as children. They include people who might not have English as a language at all, let alone as a first language, and people who might be targeted precisely because of their vulnerability. Although we are looking very much at the context of children, we know that vulnerable adults have their homes taken over by county lines gangs to cuckoo and sell their drugs from, with all the horrendous violence and exploitation that vulnerable adults have to endure as part of that.

We will continue to look at this. As evidence develops, we will be open to that, but, on balance, we have concluded that it is preferable at this stage to focus on the local multi-agency safeguarding arrangements, and to work on the serious violence duty to get a level of understanding of all the good practice taking place at the local level, which the hon. Lady and others have talked about.

One should not view the Bill as being the only thing that the Government or safeguarding partners are doing to address concerns. We have increased the dedicated support available to those at risk and involved in county lines exploitation, and have provided funding to provide one-to-one caseworker support from the St Giles Trust to support young people involved in county lines exploitation. We are funding the Children's Society's prevention programme, which works to tackle and prevent child criminal exploitation, child sexual abuse and exploitation, and modern-day slavery and human trafficking on a regional and national basis.

We are also working on a public awareness campaign, #LookCloser, which was rolled out nationally in September and focuses on increasing awareness of the signs and indicators of child exploitation so that the public and frontline services report concerns quickly to the police. As I say, on balance, at this point, we do not believe that a statutory definition is the correct approach, but we are focusing on practical responses to exploitation.

On new clause 47, I have great understanding as to why the hon. Member for Croydon Central tabled it. It would require specified authorities to prepare and implement a strategy to prevent and reduce child criminal exploitation and to safeguard affected children. We have, however, built flexibility into the duty to allow areas to decide which specific crime types are a priority locally. We have done that deliberately so that local areas can react to what is needed in their areas. Indeed, the draft statutory guidance sets that out. Under the duty as drafted, the specified authorities will already be able to include child criminal exploitation in their local serious violence strategies, should that be of particular concern to them. I very much understand the motivation behind the new clause, but we are not convinced that a separate strategy is necessary.

3.15 pm

We are pointing to work to support the intentions behind the Bill and are working with partners to strengthen our response to child criminal exploitation. In 2018 we launched the Trusted Relationships fund to test innovative approaches to tackling vulnerability among children and young people at risk of exploitation and abuse. Indeed, I have had the pleasure of visiting the constituency of the hon. Member for Rotherham, to see for myself how that fund works and the palpable difference it makes to children, including girls who have been exploited in the way that has already been described. It is really helping them to understand what has happened to them and to try to build resilience, to help prevent it from happening in the future. We also fund Missing People's SafeCall service, which is a national confidential helpline for young people, families and carers who are concerned that they, or members of their family, are involved in county lines exploitation.

New clause 58 seeks a strategy for specialist training on child criminal exploitation and serious youth violence for all specified authorities under the duty. Training is one of the key strands that will help equip practitioners to increase awareness and strengthen their response to it. Although we understand the motivation behind the new clause, we believe that it is unnecessary, given that the draft statutory guidance and, indeed, the existing statutory guidance, are working together specifically to safeguard children. The statutory guidance already makes clear that safeguarding partners are responsible for considering what training is needed locally and how they will monitor and evaluate the effectiveness of any training they commission.

Alex Cunningham: I am interested to hear the Minister say that there is training to address local issues. I accept that that is a factor. Surely, though, there should be a consistent training programme across all professions to ensure that everybody is approaching these matters in the same way, albeit taking account of local factors as well.

Victoria Atkins: I do not assume that the duty and the draft statutory guidance preclude that consistency of standard; but in this arena and also with other crime types that are hidden and which prey upon vulnerable people, I am very keen that we encourage innovation. We are seeing some really interesting work being conducted through the Youth Endowment Fund. The hon. Gentleman may be familiar with that; it is a fund that stretches over a decade. It is protected money of £200 million that is being invested across the country and is evaluated very carefully in order to build a library of programmes that work—and also programmes that do not work: we need to know both those things, to help local commissioners make good decisions about what they should be funding with taxpayers' money. I am keen that we enable that sort of innovation.

Of course, consistency of standards is one of the reasons why we want to introduce the duty—precisely because we are aware that those areas that have VRUs may well be a few steps ahead of other parts of the country that do not have them because they do not suffer the same rates of serious violence as London or Manchester, for example. I very much take the point about consistency, but we believe that that can be addressed through the duty itself and the draft statutory guidance.

I am going to come to an end soon, Sir Charles. There is a requirement to include how inter-agency training will be commissioned, delivered and monitored for impact in the published local safeguarding arrangements. That is relevant to the point that the hon. Member for Stockton North just made. Safeguarding partners must also publish an annual report on their safeguarding arrangements, which should include evidence of the impact of the work of the safeguarding partners and relevant agencies, including training.

I am pleased that the Committee has had the opportunity to debate this duty. We have more debates ahead of us, I suspect. We believe that the three safeguarding partners already in place, through the multi-agency safeguarding arrangements that came into being in 2019, are the way to address some of the important issues raised by hon. Members in this part of the debate.

Sarah Jones: Sir Charles, I am sorry about turning my back previously. It was a very appealing amendment and it is hard not to look.

The Chair: It is a great debate, and I do not want to stop anyone. I totally appreciate that.

Sarah Jones: I thank the Minister for her response. In many ways, we are in the same place. We are trying to make this new duty as effective as it can be. I would like to test the will of the Committee on amendment 78, because it is important that, when we are trying to prevent and tackle serious violence, we safeguard children. I understand the Minister's point about duplication, but not to have that in the Bill would be a huge loss.

The Minister talked about the Home Office funding that goes to the Children's Society and the St Giles Trust for their incredibly important work. They are the advocates of this; they are the organisations saying to us that this is what we need to do. The Minister gives them money but should also listen to their argument, because it is fundamental and important. On the other amendments, I appreciate that the Minister is doing what she can through the guidance and other means.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 8.

Division No. 1]

AYES

Champion, Sarah	Jones, Sarah
Charalambous, Bambos	
Cunningham, Alex	Williams, Hywel

NOES

Atkins, Victoria	Higginbotham, Antony
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom
Goodwill, rh Mr Robert	Wheeler, Mrs Heather

Question accordingly negatived.

Sarah Jones: I beg to move amendment 50, in clause 7, page 8, line 4, at end insert—

"(3A) Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section."

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

Amendment 52, in clause 7, page 8, line 10, at end insert—

"(d) each registered provider of social housing in the area."

Amendment 53, in clause 7, page 8, line 15, at end insert—

"(d) each registered provider of social housing in the area."

Amendment 51, in clause 8, page 9, line 11, at end insert—

'(3A) Specified authorities which are housing authorities must have particular regard to their housing duties when performing their duties under this section."

Amendment 54, in clause 8, page 9, line 18, at end insert—

"(e) each registered provider of social housing in the area."

Amendment 55, in clause 8, page 9, line 23, at end insert—

"(d) any registered provider of social housing in the area."

Amendment 56, in clause 9, page 10, line 45, at end insert—

"(f) a registered provider of social housing."

Amendment 57, in clause 15, page 15, line 5, at end insert—

"(f) a registered provider of social housing."

Amendment 58, in clause 16, page 15, line 37, at end insert—

"(e) a registered provider of social housing."

Amendment 59, in clause 17, page 16, line 19, at end insert "or registered provider of social housing"

Amendment 60, in clause 17, page 16, line 22, after "authority", insert "or provider"

Amendment 61, in clause 18, page 17, line 3, at end insert—

"(g) a registered provider of social housing."

Amendment 62, in clause 19, page 17, line 10, at end insert—

"(1A) In section 5 (Authorities responsible for strategies)—

(a) after subsection (1F) insert—

(1G) Responsible authorities which are housing authorities must have particular regard to their housing duties when exercising the functions conferred by or under section 6 or section 7."

(b) in subsection (2), after paragraph (d), insert—

"(e) every registered provider of social housing in the area.""

New clause 28—*Provision of accommodation to reduce or prevent risk of serious violence—*

In the Housing Act 1996, section 189, after subsection (d), insert—

"(e) a person at risk of serious violence, if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence."

This new clause amends the Housing Act 1996 to add those at risk of serious violence to the list of those who have a priority need for accommodation, if the provision of accommodation would reduce or prevent the risk of that person becoming a victim of serious violence.

New clause 29—*Code of practice on application of section 177 of the Housing Act 1996: prevention and reduction of serious violence—*

"The Secretary of State must, before the end of the period of 3 months beginning with the day on which this Act is passed, issue a code of practice under Section 214A of the Housing Act 1996 on preventing serious violence to provide—

(a) that the application of section 177 of the Housing Act 1996 is to be applied to those at risk of serious violence so as to ensure that it is not deemed reasonable for a person to continue to occupy accommodation if the provision of alternative accommodation would prevent or reduce the risk of serious violence against that person;

(b) for the Homelessness Code of Guidance for Local Authorities to be updated to include a new chapter on the duties of local authorities under subsections 7(3A) and 8(3A) of this Act, with particular reference to preventing and reducing serious violence and safeguarding young people at risk of serious violence;

(c) that the police shall be responsible for timely collaboration with housing providers on the reduction of the risk of serious violence to individuals where the exercise of housing duties may reduce or prevent the risk of serious violence; and

(d) guidance on the disclosure of information in accordance with regulations under section (9)(2) of this Act by and to specified authorities which are housing authorities to prevent and reduce serious violence in a prescribed area, with particular reference to assisting the housing authority with the prevention and reduction of serious violence in the exercise of its duties under part 7 of the Housing Act 1996."

Sarah Jones: These amendments have been tabled by my hon. Friend the Member for Walthamstow (Stella Creasy). They are supported by a vast array of very sensible organisations, from Redthread to Shelter, from the St Giles Trust to Barnardo's. This section of the Bill sets out the Government's ambition to reduce violent crime and address the root causes of serious violence by making sure that public bodies work together to stop serious violence. The amendments seek to protect young people and their families from the growing problem of gang grooming, harassment and violence.

Many young people, including children in their early teenage years, experience serious violence and harm as a direct result of being groomed by criminal gangs in their neighbourhood. The common factor in these cases is the need for families and young people to be moved urgently to a suitable home away from the area of gang activity to mitigate the risk of harm. The Government's serious violence strategy in 2018 identified homelessness as a risk factor for being a victim or perpetrator of violent crime and highlighted the significant growth in vulnerable populations, such as those facing homelessness, over the past decade.

In communities across the country, a lack of suitable and affordable housing options and difficulties in accessing alternative accommodation in a timely manner mean that vulnerable victims are at risk from serious violence and exploitation and have no way of escaping. Too often, desperate pleas by families to social landlords and local housing authorities to move a household to safety are not addressed. Housing providers are not part of planning, with either the police or social services, for the safety of their tenants, even when they hold vital information to help. I have sadly experienced several times in my relatively short time as a Member of Parliament a family coming to me and saying that they feel that their son is at risk of being attacked. They want to move, and the police support the move, but they feel that there is nowhere for them to move to, or there is no mechanism for them to be moved in an emergency. On two occasions, a child has ended up being stabbed because they were not moved away as quickly as they should have been, and in one case, before I became an MP in Croydon, a family who were desperate to move were not moved and the child ended up being stabbed and killed.

We see this in communities across the country—it is not only in London—but in areas of acute housing need it is particularly acute, as Members would expect. The amendments tabled by my hon. Friend the Member for Walthamstow address these challenges, learning from the way in which domestic violence victims have been prioritised for housing to keep them safe, and ensuring that housing providers are statutorily required to play their part in tackling serious violence.

Research by Centrepoint in 2019 highlighted the links between youth violence and homelessness. Violence and exploitation drive homelessness and housing insecurity, and the experience of homelessness increases vulnerable young people's exposure to criminality and risk. A survey of 227 young people with experience of homelessness in England and Wales found that one in six had taken part in criminal activity, such as selling or preparing drugs, in order to access a place to stay. The London charity, New Horizon Youth Centre, found that, of a sample of 102 young people accessing its specialist youth violence outreach programme, 95% had been or were currently homeless. Shelter has documented the fact that stable accommodation has long been linked to success in reducing reoffending and supporting rehabilitation. This is not new; I worked for Shelter years ago and we used to have the same debate on the impact of homelessness and bad housing. It is significant, and the likelihood of offending increases significantly if someone is homeless.

Two recent serious case reviews of 14-year-old children who were killed as a result of gang violence highlighted the failings in safeguarding them with regard to housing.

In the case of one, an offer of accommodation made to his mother was withdrawn shortly before he was shot dead in a children's playground in Newham in September 2017. The serious case review into his death found that there were

"clear gaps in risk assessments and risk management plans for Chris",

including the failure to update the housing manager of the need to relocate Chris out of the area, and that

"there was a significant missed opportunity in the absence of a referral to access the Pan-London Reciprocal Housing Agreement. There were also significant gaps in information sharing between Children's Social Care, the Police and the Youth Offending Team in relation to risk information that could have triggered such a referral."

Chris's mother has spoken of how she struggled to get housing outside the area where he was at risk:

"When it came to help, there was not much help. I was scared for him and he was scared for himself. It was just me and him left to sort this out. The most important one for me was housing, to get us out of the area. To be out of the clutches of the gangs so he could continue being a child."

3.30 pm

Jaden Moodie was also 14 years old when he was knocked from a moped and brutally stabbed to death in Waltham Forest in January 2019. His serious case review found that the housing service was not engaged in multi-agency discussions about how to respond to his criminal exploitation. Despite the housing service holding information not known to any other agency and controlling resources that were an important component of the plan to protect him from future criminal exploitation, it was not involved in discussions about protecting him.

The risk of homelessness massively increases someone's risk of exploitation and abuse, and a safe and stable home is a key element in preventing and reducing violence, particularly youth violence. However, people at risk of serious violence face considerable challenges in accessing suitable alternative housing. For families already living in secure social housing, moves within and between landlords' housing stock can be a critically effective method of protecting children and young people from violence and exploitation. It is preferable to having to end a secure tenancy in order to move into insecure, poor-quality and expensive temporary accommodation provided under homelessness legislation.

Mr Goodwill: When the hon. Lady talks about poor-quality housing, would she say that some of the appalling housing in Croydon—for example, in the Regina Road block—is an example of the sort of housing that we should be trying to improve?

Sarah Jones: I congratulate the right hon. Gentleman on his political jibe. He is correct to say there are examples of bad housing in Croydon, as there are in other parts of the country. It has a massively serious effect on people's lives. *[Interruption.]* I can hear the hon. Member for Croydon South muttering about it from a sedentary position.

I will move on to the issue that we are talking about. When an urgent move is required because of gang violence, temporary accommodation is often the only realistic option. The law currently does not prioritise families in this situation, in contrast with the requirement for victims of domestic abuse to be treated as a priority for rehousing. Section 189(1) of the Housing Act 1996 gives victims automatic priority need, so that victims fleeing domestic abuse are moved urgently and thus protected. That is not the case when the threat of violence is external, which means that families are often forced to choose between giving up a secure tenancy and making a homeless application to their local authority, or keeping their secure tenancy and staying somewhere where they are in danger. The child safeguarding practice review published last year notes a case where a family moved back to an area where they were at risk in order to prevent the loss of their right to permanent housing. Within months, their son was killed.

The problems do not stop there. Evidence from practitioners shows how people at risk of violence who approach their local authorities are often not given adequate support due to their not being categorised as priority need under section 189(1) of the Housing Act. Youth workers who work with victims of gang violence often try to identify mental or physical health needs in the family in order to create a workaround. This shows that the system is not responding to the needs of victims of violence because of their status as victims. Support workers at New Horizon Youth Centre in London state that when young people are found in priority need, it is often as a result of any mental health conditions that they have managed to have diagnosed during the centre's work with them following a serious incident of violence—it is not on the basis of being a victim or being at risk of such violence. In most cases, there is police evidence of risk, but the support workers have found that this is not enough to secure a positive priority need decision.

Kate Bond, the youth outreach project manager at New Horizon Youth Centre, explains: "We have seen so many cases where violence or the threat of violence is rejected as a reason for young people to be seen in priority need under the Housing Act. We have cases where even though there is clear evidence that someone's life is at risk—not only because of their current injuries, hospital letters and police reports, but also proof from a range of other relevant services—they are not found in priority need. Too often, we end up having to pay for these young people in emergency accommodation and spend a long time gathering proof under other grounds for priority need, keeping the young person in limbo. Traumatised young people are further demotivated by this process and the sense that their lives being at risk is not enough to secure them somewhere safe to live. This continues to put lives and communities at unnecessary risk. However, even that threshold for proof required by local authorities before they will place young people in temporary accommodation can be difficult to reach. Often, for example, young people cannot go to their GP because it is in an area where they feel unsafe, so securing medical proof becomes more challenging and the diagnosis of mental health conditions more difficult."

Under sections 177(1) and 177(1A) of the Housing Act, a person is legally homeless if violence or the threat of violence means that they cannot be reasonably expected to remain in their current accommodation, but the homelessness code of guidance for local authorities currently provides no guidance for local authorities on how to consider whether an applicant might be in priority need because their current home puts them at risk of gang violence, harassment or grooming. Currently,

[Sarah Jones]

there is only general advice on the assessment of violence in paragraph 8.36, whereas the assessment of domestic abuse is dealt with in some detail by the statutory guidance. The guidance also says that a shortage of housing could be taken into account when considering whether a family should be moved.

Housing providers such as local authorities or housing associations may also hold critical information that can be used as evidence to support the homelessness application, safeguarding, or police investigations. They may be able to support young people and families to access alternative accommodation. Practitioners are reporting, however, that housing representatives are often not included in relevant case forums and discussions on families at risk of harm. Similarly, when people fleeing violence present at their local authority for rehousing, there is currently no duty on the local authority to seek information from the police to ascertain the level of risk when assessing the housing application.

As I said, amendments 50 to 62, and new clauses 28 and 29, were drafted by my hon. Friend the Member for Walthamstow in collaboration with the co-chairs of the Housing Law Practitioners Association and Garden Court Chambers, and with the backing of many organisations such as Centrepoint, New Horizons Youth Centre, Shelter, Crisis, Barnardo's, the Big Issue Foundation, St Basils, Catch-22, Redthread, Homeless Link, Nacro, the Revolving Doors Agency, Fair Trials and the St Giles Trust.

New clause 28 would ensure that we learn from best practice of housing support services for victims of domestic violence, and that those who are at risk of violence owing to gang behaviour are prioritised for rehousing away from harm. For children and adults affected by and at risk of serious violence, seeking support to secure a safe place to live can be extremely difficult. Evidence from practitioners shows how young people, care leavers, people with multiple needs, and families facing threats of violence are not given adequate support when approaching their local authorities to seek help moving out of harmful situations because, despite meeting the threshold for vulnerability, given that they have fled violence or threats of violence, they are not seen as in priority need. In many cases, they do not receive the initial duties and assessment to which they are entitled under the Homelessness Reduction Act 2017. New clause 28 is designed to remove that hurdle and set outs clearly that anyone at risk of violence is in priority need, whether the violence takes place inside or outside the home.

New clause 29 would ensure that the current homelessness code of guidance is updated to take into account the specific needs of those fleeing gang violence and exploitation. Serious cases reviews have shown that the current guidance is not sufficient and young people are paying the price with their lives. Victims of serious violence are often forced to choose between remaining in an area where they are at risk or making a homeless application and giving up a secure tenancy. In the financial year 2019-20, more than 7,000 households were recognised as being at risk of or experiencing non-domestic violence and abuse and seeking homelessness support. It is right that the departmental guidance provides specific guidance for people in that situation.

Homelessness and housing precarity are significant contributing factors to children and adults becoming vulnerable to violence as they respond to offers of accommodation from those seeking to exploit them. Prevention of that trend and early intervention to reduce the harm they may face requires their housing needs to be met quickly and appropriately. The current homelessness code of guidance highlights certain vulnerabilities faced by groups such as young people, care leavers and victims of trafficking, who should be considered as part of the housing application, but there is little guidance around young people at risk of violence and exploitation. By enhancing the current code of guidance so that local authorities take into account the needs of people at risk from serious violence, the Government would ensure that the needs of that vulnerable group specifically are considered by local housing authorities to protect them from further risk of violence. Amendments 50 to 62 would ensure that registered social landlords are involved and consulted in local efforts to reduce serious violence, and that there is timely co-operation between the police and local housing authorities to prevent serious violence.

Part 2 of the Bill outlines the model for multi-agency working to prevent serious violence. The horrific cases in the serious case reviews tell us that there is no effective multi-agency response to preventing serious violence that does not include housing. These amendments will ensure that registered social landlords are included in the new duty and ensure that there is timely information sharing between the police and RSLs for the purpose of preventing serious violence. By supporting effective multi-agency working between all partners, the Government can ensure that housing is considered as an essential part of a comprehensive public health approach to tackling and preventing the serious use of violence.

As I have said, there is provision in law and in practice for people fleeing domestic violence to have a route out of that violent situation, through their local authority and the definition of priority needs. There is not the same route out for those at risk of gang violence in their area, and I have seen the consequences of that. These amendments would put those at risk of serious violence on the same footing as those at risk of domestic violence. I would be grateful if the Minister could consider these amendments.

Victoria Atkins: We very much recognise the valuable contribution that local authorities and housing associations are able to make as part of local efforts to prevent and reduce serious violence. Local authorities are responsible for the delivery of a range of vital services for people and businesses in a local area, including housing and community safety. It is expected that such responsibilities will be key to the role they play in local partnership arrangements as they contribute to the development and implementation of the duty. As such, they will be best placed to provide a strategic overview of and information about housing and associated issues in the local area.

The statutory guidance for the duty makes clear that such duties are relevant and should be considered as part of the work to meet the requirements of the serious violence duty. We therefore do not consider it necessary to stipulate in legislation that such authorities must have due regard to their housing duties when meeting

the requirements of the serious violence duty, as there will be a requirement for them to have due regard to the statutory guidance in any case.

Moreover, existing legislation is already designed to ensure that social housing is prioritised for those who need it most. The Ministry of Housing, Communities and Local Government will continue to work with the relevant sectors to ensure that the guidance is clear and fit for purpose, in relation to this crucial point, ahead of the duty provisions coming into force. When it comes to recognising and protecting the groups of people most at risk of involvement in serious violence, we are aware that housing and risk of homelessness are factors to be borne in mind, but we remain to be persuaded that an explicit reference to registered providers of social housing within the provisions for the duty is the correct approach to take in this instance.

One of the key requirements of the serious violence duty will be for specified authorities in a local area to work together to identify the causes of serious violence and, in doing so, ascertain which groups of people are most at risk locally. Legislation already dictates that, where a local housing authority requests it, a private registered provider of social housing or registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocation scheme. That includes lettings allocated to those in priority need and those requiring urgent rehousing as a result of violence or threats of violence. Statutory guidance on allocations was issued in 2012, and local authorities must pay due regard to it.

Furthermore, the Regulator of Social Housing's tenancy standards make clear that private registered providers of social housing must co-operate with local authority strategic housing functions. Those who are at risk of violence should already receive support if they are in need of social housing and/or if they are at risk of homelessness. However, it is important that local authorities are able to respond according to the needs of the specific local area and of the particular person. We are concerned that the amendment, which applies only to the social housing sector and not the private rental sector, may inadvertently single out and potentially stigmatise social tenants as being associated with serious violence, which I am sure nobody wants to flow from that.

3.45 pm

In relation to new clauses 28 and 29, again, I share the hon. Lady's ambition to ensure that all victims of serious violence are supported, ensuring they have an alternative suitable offer of safe and secure accommodation available to them. It is vital that those at risk of serious violence who are homeless or at risk of homelessness are supported to find an accommodation solution that meets their needs and reflects their individual circumstances. I think "an accommodation solution" means a home, but I will try to de-jargon this while I am on my feet.

The MHCLG believes that the current approach, which considers the vulnerability of the applicant on a case-by-case basis, is the most appropriate means of determining priority for accommodation secured by the local authority. Existing legislation and the accompanying statutory homelessness code of guidance, to which local authorities must have regard, already make sufficient provision to ensure that this group is able to access accommodation if they are vulnerable as a result of being homeless due to threatened or actual violence.

Furthermore, the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, puts prevention at the heart of the local authority's response to homelessness and places duties on local housing authorities to take reasonable steps to try to prevent and relieve a person's homelessness. When assessing if an applicant is homeless, local authorities should consider any evidence of violence and harassment. The law already provides that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence against them, their family or their household. That means that they will already be entitled to support to address their housing need, provided they are eligible.

As for new clause 29, as I have already indicated, the statutory homelessness code of guidance is relevant here. It is clear in chapter 23 of that guidance that:

"Young people, who become involved in gang related activity, whether as victims or perpetrators, sometimes face particular risks"

and that:

"Housing authorities should work with police, offender managers and specialist services to coordinate activity to minimise risk and prevent homelessness."

The Department is therefore of the view that to introduce another code of practice that local authorities must follow, in addition to the existing code of guidance, could lead to confusion among local authorities. It is also important that local authorities are able to adapt their service delivery model to respond to the needs of their local areas and that, of course, is consistent with the aims of the serious violence duty. In the light of the measures above, I invite the shadow Minister to withdraw the amendment on behalf of the hon. Member for Walthamstow.

Sarah Jones: It is unusual for housing and the Home Office to be in the same conversation, which is possibly why the Minister was using strange terminology more akin to the MHCLG.

Victoria Atkins: Yes!

Sarah Jones: That is something that we need to try and shift over the long term and that is the point of the clauses and amendments.

I understand the Minister's points. On new clause 28, there is a clear argument that there is provision on domestic abuse but not a provision for violence outside of the home in a similar way. Now is not the time to press the new clauses to a vote, because that comes at the end of the Bill's time in Committee, and I am happy to leave the amendments. However, I hope the Minister will encourage housing organisations, through the process of the new duty, to be part of the conversation because they are absolutely crucial, as I have seen for myself. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Sarah Jones: I beg to move amendment 116, in clause 7, page 8, line 10, at end insert—

"(d) the local voluntary sector and local businesses."

This amendment would create a duty to consult the voluntary sector and local businesses in preparing a strategy to prevent and reduce serious violence in an area.

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

Amendment 81, in clause 7, page 8, line 30, leave out "from time to time" and insert "every two years,".

This amendment would require the specified authorities for an area to prepare and implement a revised strategy every two years.

Amendment 87, in clause 8, page 10, line 4, leave out "from time to time" and insert "every two years,".

This amendment would require collaborating specified authorities for an area to prepare and implement a revised strategy every two years.

New clause 59—*National Serious Violence Oversight Board*—

"(1) The Secretary of State must appoint a board, to be known as the National Serious Violence Oversight Board.

(2) The Board will be comprised of the Secretary of State, who will be the chair of the Board, and such other people as the Secretary of State considers appropriate.

(3) The duties of the Board are—

(a) to review local serious violence strategies,

(b) to share relevant data relating to such strategies, and

(c) to share good practice in the preparation and implementation of those strategies.

(4) Not later than two years after the date on which this Act is passed, and every two years thereafter, the Secretary of State must lay before Parliament a report from the Board on the progress of the duty to collaborate and plan to prevent and reduce serious violence."

Sarah Jones: Amendment 116 would create a duty to consult the voluntary sector and local businesses in preparing a strategy to prevent and reduce serious violence in an area. As part of the new duty, several public authorities are required to consult each other, but some agencies are missed out, including the voluntary sector and local businesses. The amendment was tabled by my hon. Friend the Member for Vauxhall (Florence Eshalomi). It comes from the all-party group on knife crime, who worked with Barnardo's on this amendment.

The voluntary sector holds crucial information and intelligence about what really happens in families and communities. The sector includes organisations that directly support victims and offenders and can help to bring their voices and experiences into policy making. They often know what works and what does not. Local areas will not be able to tackle serious violence without engaging with the voluntary sector's knowledge and local intelligence.

Local businesses are also crucial in tackling serious youth violence. If we have learned anything from our work in child sexual exploitation, places are just as important to safeguarding as people—shopping centres, cafés, taxi ranks and gyms. Preventing violence cannot be done without their input.

Sarah Champion: I appreciate that my hon. Friend is making that point because, when it comes to Rotherham and what happened in child sexual exploitation, the community did know about it and did try to report it at the time, but to very little effect, unfortunately. Crucially, the voluntary sector stepped up, with much of the work done through charitable funds to try and support the young people. That needs recognition in the Bill, not least so that some resources will flow through afterwards, because the voluntary sector has its arms around the community. It is the eyes and ears of the community. We ought to embrace that, and the statutory bodies ought to have a duty to negotiate, engage and listen to and respond to the voluntary community's wishes.

Sarah Jones: I thank my hon. Friend for her intervention and for her points about Rotherham. It is absolutely clear that the voluntary sector and local businesses are part of the solution and should therefore be part of the conversation and strategy. Their kind of preventive work will make the serious violence partnerships effective. Local businesses and the voluntary sector are a crucial part of that type of safeguarding.

Amendments 81 and 87 are straightforward. We felt that the language in the Bill was rather loose. For instance, it states that the specified authorities for an area must "from time to time" implement a revised strategy. Quite a lot of the organisations that we spoke to felt that "from time to time" could mean "not really ever at all" if they do not fancy it. Although I appreciate that the Minister might say that she wants local organisations to do what is right for them, "from time to time" felt too loose, so we suggested that the strategies should be refined every two years.

New clause 59, tabled by my hon. Friend the Member for Vauxhall, would require the Government to establish a national serious violence oversight board. The duties of the board would be to review local serious violence strategies, to share relevant data at a national level in relation to such strategies, and to share good practice in the preparation and implementation of those strategies. The board should be fed into by individual strategies for each local area to take into account the different patterns of risk, crime, vulnerability and exploitation found across the country. The oversight board could then feed in the relevant information across different Departments to achieve a joined-up approach to preventing serious violence.

Sarah Champion: The Minister has not said that the door is closed on the definition of child criminal exploitation. To take that one particular example: we would be looking at a range of definitions to which the local authority serious crime board could respond, meaning that we would again be in the dark days of a postcode lottery. Does my hon. Friend agree that, unless these definitions are in place, something like she is proposing makes absolute sense in order to get that uniformity of service? We are trying to prevent crime and support victims, so a simple measure would be to have an oversight body to make sure it happens.

Sarah Jones: I agree with my hon. Friend. It is always good to look back at what has worked in the past, and I go back to the example I cited earlier of the teenage pregnancy strategy. There was a defined strategy from central Government that was overseen centrally but delivered locally, so that there was room for local flexibility according to what was needed. However, there was also a clear set of parameters within which people should be operating, and an expectation of what they should be delivering with what was actually quite a targeted approach. The Prime Minister used to receive daily data on what was happening in each local area. I am quite a fan of gathering data centrally and trying to push change as much as possible, so I agree with my hon. Friend.

Similarly, a national serious violence oversight board would be able to analyse national trends and provide real scrutiny of what is and is not working across the country. Strategies need to feed into somewhere central so that the national landscape can be understood and that good and bad practice can be shared. The Minister talked earlier about that balance between what we allow local police authorities to do and what we set nationally. That conversation about how much we control from the centre and how much we allow people to feed in locally is always happening. The change suggested by new clause 59 is for a local and national mechanism in which at least the information can be gathered and analysed, so that we can see who is doing well and who is not doing well, and then respond appropriately.

Serious violence inevitably crosses boundaries. Effective responses to child exploitation, for example, are often hampered by the fact that it is a form of abuse that takes place across the boundaries of all the different police forces and local authorities in England and Wales. That creates inevitable fragmentation.

While the National County Lines Co-ordination Centre has helped to deliver a more joined-up approach to policing of child exploitation, the same joined-up approach is not found between the police and other agencies, or between different local authority areas. It would be impossible to tackle serious violence without some form of national oversight of the strategies. Learning and best practice can be shared at a national level. We see from the findings of the serious case reviews that sharing is still not effective, resulting in the same failings occurring again and again. We do not want that to happen with the serious violence partnerships as well.

Under the previous Prime Minister there was a serious violence taskforce, which was disbanded and replaced with the National Policing Board, but the National Policing Board looks at all parts of the policing system and has a different function altogether. We need some oversight that specifically addresses serious violence. When the right hon. Member for Maidenhead (Theresa May) was Prime Minister, a unit to tackle violence was set up in the Cabinet Office, but I am unsure whether it still exists. Does the Minister know? Either way, she might consider the amendments suggested by my hon. Friend the Member for Vauxhall and consider a kind of national co-ordination of the strategies to ensure that they are as effective as possible.

4 pm

Victoria Atkins: We very much agree that voluntary and community sector organisations and local businesses are key to working with young people to tackle issues relating to serious violence and crime, and indeed to offering alternative opportunities to young people. One of the non-legislative measures that I am working on at the moment is bringing together the private and public sectors to offer opportunities by way of training, work placements and so on to young people who at the moment may believe that their life chances involve joining a gang and earning their money that way. We have to give young people a range of alternatives, so I very much agree with the motivations behind all these amendments, but particularly those that seek to involve charities and businesses.

I should point out that clause 9—"Power to authorise collaboration etc. with other persons"—is very much intended to include charitable organisations in the serious violence duty. We did not feel that it was right to put a duty on charities, but we did very much want to reference their ability to be included and involved in both the drawing up and the implementation of the strategy.

We are not persuaded that amendment 116 is necessary, because of the way it is drafted. It would potentially create significant new burdens if specified authorities were required to consult all voluntary sector organisations and businesses in the local area, as opposed to those that they considered to be most relevant to the local strategy for preventing and reducing serious violence.

I will shamelessly take this opportunity to mention, by way of example, the wonderful Louth Navigation Trust in my constituency. Wonderful charity though it is, I think it would itself accept that it is probably not able to assist in the drawing together of a serious violence duty in the way that specialist charities, such as St Giles Trust, Redthread and the other organisations that we all know and work with. will be able to do. That was a flippant example—forgive me—at 4 o'clock on a Tuesday afternoon.

Turning to amendments 81 and 87, we very much agree that it is important for serious violence strategies, required by chapter 1 of part 2 of the Bill, to be kept under review to ensure that they remain relevant and address the current issues affecting local areas at the time when they are being implemented. However, we are concerned as to whether an explicit requirement for revised strategies to be prepared and implemented every two years is the correct approach to take.

The duty is a key part of our work to prevent and reduce serious violence, focusing very much on prevention and early intervention, and informed by the evidence. We have been clear that a key focus of the duty, as I have said, should be on early intervention and prevention. That is why we have included a requirement for specified authorities to identify the kinds and causes of serious violence in the local area and the work that flows from that. It is therefore clear that local strategies should include a combination of short-term as well as longer-term initiatives aimed at preventing and reducing serious violence.

The draft statutory guidance for the duty makes it clear that local partnerships should review their strategy on an annual basis. Such reviews should consider how the interventions and solutions have affected serious violence in their area—considering, for example, crime statistics, and accident and emergency data. A review may well highlight the need for a refreshed strategy, for example where new and emerging crime types are identified—there may be the emergence of a new county line in their area—but we do not expect that to be the case every time.

We know that specific initiatives and actions that focus primarily on early intervention may not have a discernible effect on serious violence levels immediately. An assessment of the effectiveness of a local strategy conducted only two years after the strategy is first prepared may not capture the potential long-term impact and, therefore, may render it ineffective and in need of revision. Perhaps there would be a fairer analysis if a little more time were permitted to enable the interventions to take hold.

We want to ensure that local area resources are directed towards delivering on the strategies that they have prepared, instead of being diverted towards the

[Victoria Atkins]

preparation of revised strategies because there is a calendar they must keep to. I am reminded of a phrase about being driven by data and not dates, and wonder whether it is appropriate here.

I believe that specified authorities in local areas will be best placed to determine the necessary frequency of revisions in their own strategies, and that the existing requirement for strategies to be kept under review will ensure that a revision will be necessary and timely, rather than simply a formality. I see a role for hon. Members in that. I hope that they will watch closely what their areas are doing under this duty, and they will be able to highlight any concerns they have about the appropriateness, timeliness and so on of strategies and their revisions.

Finally, new clause 59 would require the creation of a statutory national serious violence oversight board, to be appointed and chaired by the Secretary of State. There will need to be a system in place to monitor progress in relation to the duty. There may be a useful role for the Government to support the process, but we question whether it is necessary to include the detail of such arrangements in the Bill. We will consider non-legislative options, which will in all likelihood feature in our statutory guidance for the duty. That will ensure that specified authorities are able to have a say in the arrangements, through a public consultation, following Royal Assent, including any proposed role for central Government, before they are established.

We expect to detail any role for Government in monitoring progress and activity in relation to the requirements of the serious violence duty to be included in the version of the draft statutory guidance, to be consulted on following Royal Assent. It is worth noting that specified authorities will already be expected to monitor their own progress, through the requirement to keep their strategy under review. Police and crime commissioners and those areas where mayoral offices have responsibility for policing will also have the discretionary power to monitor the performance of the specified authorities against their shared objectives.

Furthermore, community safety partnerships have a statutory requirement to keep the implementation of their strategies under review, for the purposes of monitoring effectiveness and to make any changes to strategies where necessary or expedient, and to publish the outcomes of each review. In the light of the explanations I have given, I ask the hon. Member for Croydon Central to withdraw her amendment.

Sarah Jones: I heard what the Minister said, in particular about amendments 81 and 87. She said that she did not want to push organisations towards having to prepare revised strategies all the time. She also said that the guidance advises them to review their strategies on an annual basis. We are in the position of having both things at the same time.

I hear what she says and am reassured by the need to look at it on an annual basis. I do think the phrase "from time to time" is slightly too loose to be in the Bill. We have seen the need for both short-term and long-term planning and we need to get that balance right. A lot of the violence reduction units, within PCC areas, say they want to be able to plan and get money beyond a year. At the moment, their money is given annually, which is very prohibitive. That is worth bearing in mind.

I heard the Minister say that there will be systems in place to monitor success and that she will look at what such systems could be. I was reassured by that and hope that she will ensure they have the teeth and resources to analyse what is happening across the country. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

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

Clauses 8 to 10 stand part.

That schedule 1 be the First schedule to the Bill.

Clause 11 stand part.

That schedule 2 be the Second schedule to the Bill.

Sarah Jones: As I said, the Opposition welcome the intention behind the serious violence duty, which is to facilitate that multi-agency response to tackling and responding to violence in a local area. However, we have concerns about how the duty will operate in practice and how it will instruct local partners to respond, in particular to vulnerable children. As has been said in the Committee today and by a number of organisations, the duty as drafted will not facilitate a safeguarding response to children experiencing serious violence. I hope that the Minister will build and reflect on our debate on that.

I will take this opportunity to thank all the organisations that have attended so many meetings and done so much work in this area, particularly the Children's Society, which helped draft several of the safeguarding amendments. Safeguarding and protecting children and vulnerable young people from harm should be the first priority of statutory agencies and any subsequent duty for these agencies to co-operate with one another. If a young person is found to be at risk of or experiencing serious violence, any responsible adult is duty bound to report that to child protection. Clauses 7 to 11, which set out the duty, do not mention the word "safeguarding" once, and nor do they signal the need for the specific involvement of children's social care teams in creating a strategy to prevent violence in a local area.

It remains unclear what activity the Government want to see flowing from the duty to co-operate. Three measures of success identified in the guidance are homicide rates, hospital admissions for knife or sharp object assaults, and police-recorded knife crime. Having just those measures might have a short-term impact, but that will not address the underlying drivers of serious violence and therefore might not have the long-lasting impact we are hoping for.

The duty is clearly framed as a crime reduction initiative, and it is right that it should be, but it is not a safeguarding tool, and the Opposition believe that it must focus on both. As we know, violence drives violence, and if the Government want properly to follow a public health approach to tackling serious violence, they cannot treat violence as if it happens in a vacuum.

Improving children's safety and the wider safeguarding of children are integral to tackling the drivers of serious violence. The Opposition believe that without that focus, the Government risk those well-intentioned measures

leading to a more punitive approach to vulnerable children. It would be good if the Minister reflected on our points about safeguarding and perhaps thought again about that work as well as the child criminal exploitation points made so well by my hon. Friend the Member for Rotherham and supported by so many.

Without enough funding for this work to take place, it will be very difficult for local authorities, whose resources are already very squeezed, to put in place strategies that will have an impact on the likelihood of children getting involved in violence. One example that the all-party parliamentary group on knife crime and violence reduction looked at a lot was youth services, which on average have been cut by about 40% across the country. It is possible to map a correlation—we did this work with Barnardo's—between those areas that have made the largest cuts to youth services and those with the largest increase in knife crime. Obviously, we cannot point to an immediate cause and say that a violent crime occurred because a youth centre closed, but there is a correlation between those areas with the highest cuts and those with the fastest increases in knife crime. With the wider issues of funding and supporting local authorities, whether that is children's social services or youth work—all that important work—it will be difficult for the Government to achieve what they want.

4.15 pm

Mr Goodwill: As a former Children's Minister, I know that there is no direct correlation between funding and outcomes. Indeed, some of the most cost-effective local authorities in terms of children's services are those that do not use a lot of agency work, which is cheaper than some of the least effective, which tend to spend more in some cases.

Sarah Jones: The right hon. Gentleman makes an interesting point. I can provide the evidence that maps those areas that have made the largest cuts to youth work and the areas that have seen the largest increase in violence. There was not a direct causation, but there was a pattern and a trend. Although these things are not absolute, the evidence for every local authority shows that there was an impact. Youth work is known to be effective as an adult intervention with young people who perhaps do not have parental involvement in the way that we would want.

Mr Goodwill: I understand the hon. Lady's point, but often it is the local authorities that are failing, with a big backlog of work, that find they cannot recruit, and therefore have to rely on agency social workers and foster carers. That means they are spending a lot more money. Some of the better ones, such as North Yorkshire, have very few agency workers because they can keep it in house and delivery it cost-effectively.

Sarah Jones: Yes, that is a separate point that the right hon. Gentleman is right to make. Agency workers are not invested in the organisation they work for; they do not know the area; they are more expensive and often not as effective. My point is that the significant reduction in funding for local authorities will inevitably have an impact on their ability to implement this duty. I hope that the Minister and the Home Office will push forward the argument for more funding for local authorities.

Victoria Atkins: I hope that the Committee feels that, in my responses to the amendments, I have dealt with the substance of most of the clauses. I want to emphasise that clause 8 is included to reflect the fact that, particularly in the instance of county lines gangs, criminal gangs do not respect county boundaries, police force areas or local authority areas. They will reach their tentacles across the country, wherever they think there is a market and they can do their harm. The clause encourages and requires authorities to collaborate to address those concerns.

Sarah Champion: Does the Minister agree that they are keen to look at the legislation to see where it is weakest, and to target accordingly?

Victoria Atkins: Criminal gangs are keen?

Sarah Champion: Yes.

Victoria Atkins: Very much so. Criminal gangs are very adept at spotting Government and local priorities and adjusting their behaviours. During the global pandemic, still some county lines were adjusting their methodology to evade detection when they were moving around the country. It is disgraceful, disgusting behaviour, and I hope that this duty and the requirement to collaborate will help to address that.

On the point that the hon. Member for Croydon Central made about housing priority need and the comparison with domestic abuse dealings in the Domestic Abuse Act 2021, I will arrange for a letter to be written to her on that point. Unless there are any more interventions, I will sit down.

Question put and agreed to.

Clause 7 accordingly ordered to stand part of the Bill.

Clauses 8 to 10 ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 11 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clause 12

PREVENTING AND REDUCING SERIOUS VIOLENCE

Sarah Jones: I beg to move amendment 91, in clause 12, page 12, line 34, at end insert—

"(5) In exercising their functions under this Chapter, specified authorities must have particular regard to reducing serious violence against women and girls, including street harassment, and reducing instances of hidden harm resulting from serious violence.".

The Chair: With this it will be convenient to consider clause stand part.

Sarah Jones: Clause 12(4) states that the duty introduced in chapter 1 will predominantly be focused on the most serious forms of violence, which are marked by:

"(a) the maximum penalty which could be imposed for any offence involved in the violence,

(b) the impact of the violence on any victim,

(c) the prevalence of the violence in the area, and

(d) the impact of the violence on the community in the area."

[Sarah Jones]

While those are all extremely important, we would like the Government to emphasise in the duty protection and support for women and girls. It should be in the Bill that violence against women and girls counts as serious violence. We know that women are more likely to be victims of hidden harm and domestic abuse, which does not conspicuously contribute to the prevalence of violence or the impact of violence on the community in an area. During covid, we saw an increase in domestic abuse. I spoke to a primary school head in my constituency who said that in a year they would usually deal with one or two cases of domestic violence affecting their pupils, but at that point they were dealing with seven family cases. Those issues are often hidden and so, as I say, do not necessarily impact on the community in an area in the same way as violent street crime would.

Sarah Champion: Does my hon. Friend agree that some violence is gendered, and that recognition of that in the Bill is a necessary inclusion?

Sarah Jones: I thank my hon. Friend for that point, which is exactly the point I was about to make. She is completely right. This is in some senses an addition. Perhaps the Minister will say it is for local organisations and agencies to decide what to prioritise, but the reality—this is not a criticism—is that this duty was conceived at the height of concerns about street violence, violent crime and knife crime, and we may all be a little bit to blame for not focusing as well on the gendered violence and hidden violence that does not make the headlines in the same way, but is equally important. One feeds the other: if there is violence in the home, there is often more violent behaviour from children because they learn that behaviour. Gendered violence is just as important but is perhaps not as highlighted and talked about as it should be.

Women from all parts of the country, from all backgrounds, young and old, are killed every week. Last year, the number of female homicide victims in England and Wales reached its highest level since 2006, up 10% on the previous year. That is true of not only murder but all kinds of violence against women and girls. For the year ending March 2020, the crime survey for England and Wales estimated that 7.1% of adults aged 16 to 74 years had experienced sexual assault by rape or penetration. Domestic violence, already endemic across Britain, increased significantly during the covid pandemic, with 260,000 domestic abuse offences between March 2020 and June 2020 alone.

Amendment 91 would ensure that specified authorities have particular regard to reducing serious violence against women and girls, including street harassment, and reducing instances of hidden harm resulting from serious violence. I hope that the Minister will consider the amendment in the spirit in which it is presented. This would be a very useful thing for local agencies to do. It is incredibly important and is part of the wider violence picture and should therefore be included in the Bill.

Victoria Atkins: As hon. Members will be aware, tackling violence against women and girls is one of the Government's key priorities. These abhorrent crimes have no place in our society. This Government are committed to ensuring that more perpetrators feel the force of the law and to improving our support for those who suffer at the hands of abusers.

We have taken action to tackle all forms of violence against women and girls by introducing legislation around forced marriage, female genital mutilation and the disclosing of private sexual photographs. More recently, the landmark Domestic Abuse Act 2021 will bolster our response to domestic abuse at every level. The Act includes placing a duty on local authorities to provide support to victims of domestic abuse and their children in refuges and other safe accommodation, as well as many other things. What I have said about here it does not do justice to the Act, but we recognise also that legislation is not the only answer. Local authorities and others have a role to play in tackling violence against women and girls, which is why we provide funding to support victims of such crimes.

We have refrained from including in the duty set out in the Bill a specific list of crime types that must be included in a serious violence strategy for a local area. We have also refrained from prioritising one type of victim over another. This is to allow local strategies to take account of the most prevalent forms of serious violence in the locality, and the impact on all potential victims. Forms of serious violence will vary between geographical areas and we want to enable partners to adapt and respond to new and emerging forms of serious violence as they develop and are identified. That could include domestic abuse or others forms of violence against women and girls, but the Government believe, as set out in the duty, that it should be for authorities to determine what their specific priorities should be for their area. That is consistent with the model of police and crime commissioners and mayors who have policing responsibilities for setting priorities for policing.

In making any such determinations, they must consider the maximum penalty that could be imposed for any offence involved in the violence, the impact of the violence on any victim, the prevalence of the violence in the area and the impact of the violence on the community in the area. It is anticipated that work to answer these questions would form part of the development of a strategic needs assessment and strategy. The approach of including a specific offence, as is urged in the amendment, is not consistent with the wider approach.

We are committed to going further in our efforts to tackle violence against women and girls, which is why we will be publishing a new cross-Government strategy tackling violence against women and girls, which will be followed by a complementary domestic abuse strategy. I look forward to their publication to set out our approach to tackling all forms of violence against women and girls, including street harassment.

I hope these assurances and our commitments to future work in this area mean that the hon. Lady will be content to withdraw her amendment.

Sarah Jones: I hear what the Minister is saying and I applaud the work that has been done thus far on violence against women and girls, but I believe that the list in clause 12(4) that she just read out steers the whole process in the direction of serious street violence and youth violence, without a nod to the incredibly point about violence against women and girls, so I would like to test the will of the Committee on amendment 91.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 8.

Division No. 2]

AYES

Charalambous, Bambos	Jones, Sarah
Cunningham, Alex	Williams, Hywel

NOES

Atkins, Victoria	Higginbotham, Antony
Baillie, Siobhan	Philp, Chris
Clarkson, Chris	Pursglove, Tom
Goodwill, rh Mr Robert	Wheeler, Mrs Heather

Question accordingly negatived.

Clause 12 ordered to stand part of the Bill.

Clause 13

INVOLVEMENT OF LOCAL POLICING BODIES

4.30 pm

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

The Chair: With this it will be convenient to consider clauses 14 and 15 stand part.

Victoria Atkins: Again, Sir Charles, I am trusting it to the Committee.

The Chair: Then I will turn to the shadow Minister. Is it Mr Cunningham or Sarah Jones?

Sarah Jones: I would be very happy for my colleague to speak, as I am slightly fed up of my own voice, but I will carry on.

The Chair: You seem to be carrying a lot of the burden today.

Sarah Jones: I just wanted to raise a couple of concerns. We have not tabled amendments to the clauses, but I want to bring some issues that have been raised to the attention of the Committee.

Clause 14 would give the Secretary of State powers to make regulations regarding how PCCs or mayors can assist serious violence partnerships. It would allow education, prison and youth custody services to collaborate in order to prevent and reduce serious violence; it would also allow them to collaborate with SVPs. Subsection (5) places a duty on a relevant authority to collaborate with other relevant authorities for the purpose of preventing and reducing violence, if requested to do so by another relevant authority. The example provided in the explanatory notes is that

"a local young offenders' institution may choose to collaborate with a secure children's home located in the same area if they are experiencing similar issues with serious violence within their institutions."

That makes sense, but we believe that there needs to be some nod in that process towards the focus on the safeguarding responsibility for children. It is important that the duty does not just become an intelligence-gathering exercise instead of a proper data-sharing exercise, so we want to ensure that people can be protected and prevented from getting involved in serious violence.

Clause 15 would impose a duty on education, prison and youth custody services to collaborate together and with SVPs when one partner organisation requests it, as long as complying with the request does not infringe on any of their existing legal duties. The explanatory notes call this a "permissive gateway" that

"would permit but would not require the sharing of information."

The example given is that

"a clinical commissioning group could disclose management information about hospital attendances where serious violence was suspected, which could support the development of a local problem profile/strategic needs assessment."

Again, that makes sense. However, the notes go on to say that

"any disclosure of information under this clause may be made notwithstanding any obligation of confidence or any other restriction on the disclosure of the information, save that disclosure would not be permitted if it would contravene the data protection legislation or the prohibitions on disclosure provided for in any Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016."

We have talked to organisations that are concerned that the need not to uphold any obligation of confidence or any other restriction on the disclosure of information could undermine some of the trust that children, particularly those who are vulnerable or who are being criminally exploited, have with teachers and educators. Will the Minister talk through what any other restriction on the disclosure of information means in this context, particularly when applied to an individual child in a school setting? Will she set out the key difference between the "permissive gateway" of information sharing and the multi-agency structures—for example, referrals to children's social care—that already exist for information sharing about individual children?

Overall, there is no question but that information sharing between agencies and police forces is vital to achieving a proper understanding of serious violence, particularly involving the county lines drug network and the many vulnerable children who have been swept into it, but it is also important that the objective of information sharing is about the safeguarding of vulnerable people and children, as well as crime prevention and reduction.

Victoria Atkins: I will deal straightaway with the point about information sharing, as it would seem to me that the other clauses are understood.

Clause 15 provides a new permissive information sharing gateway for specified authorities, including local policing bodies and education, prison and youth custody authorities, to disclose information to each other. Sadly, we know that information sharing between agencies is not always as full and as timely as we would like, because of concerns that they are not allowed to share information. We do not want those concerns to get in the way of preventing serious violence.

Of course, we must operate within the law, so the clause ensures that there is a legislative framework in place to enable information to be shared between all authorities exercising functions under chapter 1 of part 2 of the Bill. In doing so, the clause permits but does not mandate authorities to disclose information. I reassure the Committee that, as required by article 36(4) of the UK General Data Protection Regulation, my officials have consulted the Information Commissioner's Office on the proposed provisions within this clause and clauses 9 and 16, and no concerns were raised.

[Victoria Atkins]

To be clear, clause 15 does not replace existing data-sharing arrangements or existing protocols that are already working well, including those under the Crime and Disorder Act 1998. Through the clause we are simply ensuring that all the specified authorities—local policing bodies and education, prison and youth custody authorities—are able to share relevant information with each other for the purposes of the recipient of the information exercising their functions to prevent or reduce serious violence. Such bodies should already have arrangements in place that set out clearly the processes and the principles for sharing information and data internally. Examples of data that could be shared include hospital data on knife injuries, the number of exclusions and truancies in local schools, police recorded crime, local crime data, anonymised prison data, areas of high social services interventions and intelligence on threats such as county lines, including about the activities of serious organised crime gangs and about drugs markets.

An important element of the duty would be to establish the local problem profile, and data sharing between the duty holders would be a crucial part of that process. By virtue of this clause, the authorities I have mentioned would be able to share information freely, providing it does not contravene data protection legislation or the provisions of the Investigatory Powers Act 2016. I hope that reassures the Committee.

Sarah Jones: That is reassuring. I wanted to raise the point to ensure that we were all aware of that concern, which was raised to us by several organisations. I am grateful for the Minister's response.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Clauses 14 and 15 ordered to stand part of the Bill.

4.39 pm

Sitting suspended for Divisions in the House.

5.6 pm

On resuming—

Clause 16

Supply of information to local policing bodies

Sarah Jones: I beg to move amendment 90, in clause 16, page 16, line 14, at end insert—

"(8) A local policing body must report annually on the requests made under this section, including information on the bodies the request were made to and the use of information provided."

This amendment would require local policing bodies to report on requests for information made to specified authorities, educational authorities, prison authorities and youth custody authorities for the purpose of assisting with its functions under section 13.

The amendment would ensure that when information was shared between partners, the local policing bodies reported back to their partners to explain how they were using the information. That would in turn help the partners better to understand the wider context to the issues raised.

The Children's Society has pointed out that clauses 15 and 16 raise questions as to what information will be collected about individual young people and how that information may be used. It is keen that additional information sharing requirements do not result for some children in a more punitive response instead of a response that balances safeguarding and the prevention of violence escalating.

I will end my comments by asking the Minister further questions on the issue of data collection. Will the information and data collected through the duty be strictly management-level data, or case-level data? Will police forces be able to request information on specific vulnerable young people, and will policing bodies be able to request from specified authorities such as schools case-level information on children at risk of or experiencing serious violence? If so, how will the police use that information?

Victoria Atkins: The hon. Lady asks a specific question—namely, will local policing bodies be able to request case-level information on children at risk and how will they use it? Police and crime commissioners and, in London, the Mayor's Office for Policing and Crime, and the Common Council of the City of London, will have powers to work with the specified authorities to support multi-agency working. The specified authorities will need to co-operate with a local policing body when required to do so.

However, we will make it clear in guidance that the local policing body should consider the proportionality of additional requests and anticipated costs to specified authorities before making any such requests. That includes specific requests for data, which may be made only in order to fulfil its role of monitoring the effectiveness of local strategies. Such requests for data must relate only to the organisation that has generated it, except where functions are contracted out. Sufficient safeguards must be in place to ensure that information, including that which pertains to individuals, is disclosed in line with relevant data protection legislation.

Arrangements must also be in place to clearly set out the processes and principles for sharing information and data. Such arrangements should cover the sharing of information and data within the local partnership and with external bodies and should include the purpose of sharing the data, what is to happen to the data at relevant points, and clarity on respective roles. I hope that answers the hon. Lady's questions.

Sarah Jones: I am pleased that that will be in the guidance. I think that issues flow from things such as the gangs matrix in London. There were concerns that information that was gathered in order to support people actually ended up being used as a way of profiling people—that the data was perhaps not used in the way in which people had thought it would be. That was the basis for the amendment. Given that that will be in the guidance, however, I am reassured that the purposes for which the information should be used should be clear. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 16 ordered to stand part of the Bill.

Clause 17

DIRECTIONS

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

The Chair: With this it will be convenient to consider clauses 18 to 22 stand part.

Victoria Atkins: Again, if it will assist the Committee, I am content to hear the hon. Member for Croydon Central set out her stall, as it were, and I will then respond.

The Chair: I will first call our colleague from Plaid Cymru.

Hywel Williams (Arfon) (PC): My concern is about clause 17(4), and indeed clauses 18(3) and 19(7), which all say that the Secretary of State must "consult" Welsh Ministers, rather than "seek the consent of". This is an issue of long-standing concern for me, my party and, indeed, the Welsh Government. Given that it is long-standing and has been discussed before, I will not seek to press a vote on this tonight, although I may consider doing so on Report.

What are we talking about here? Clause 14(3) says:

"A relevant authority and a specified authority must collaborate"

with these requests. Clause 14(4) says:

"A relevant authority must carry out any actions which are specified",

for example regarding strategy. Clause 14(5)(b) says that local governments "must collaborate". Clause 16(4) says that a person must supply information to a policing body. I have no particular problems with these provisions, save for that it is the Secretary of State who has those powers in Wales, not the Welsh Government. The point is, of course, that the Welsh Government have responsibility for very relevant areas of government and policy in Wales in respect of the Bill—health, social services, education, local government and a good deal on top of that. Clause 17(4) says that the Secretary of State "must consult" Welsh Ministers before giving directions; clause 18(3) says they "must consult" before giving guidance; and clause 19(7) says they "must consult" before making regulations.

The Secretary of State has duties that must be carried out and powers to compel, but they must only consult, rather than seek the consent of, the Welsh Government or the Senedd. What will happen if there is divergence between Wales and England in policy or law? Of course, the Senedd is now a law-making body. There is a certain body of law—for example, on social services—that is different from that in England. That divergence may be accentuated and grow into the future as the Senedd flexes its muscles, as any half-competent democratic institution will seek to do, so we may have a situation whereby there is a good deal of divergence on the crucial matters that are relevant to the Bill.

5.15 pm

The answer, if it is an answer, is the memorandum of understanding reached between the UK and Welsh Governments in 2013, which has the effect that law passed in Westminster takes into account law passed by the Senedd. It is a way to have a dialogue between the two Governments. To be clear, however, I do not think that the memorandum of understanding is enough, as I believe that the Welsh Government should have exclusive power over the matters for which they have responsibility in Wales. I also think that they should have responsibility over the police and their own jurisdiction as a law-making body, but we are where we are and we have a memorandum of understanding—a process that is relevant to much that has already been discussed today. In March of this year, the Senedd expressed serious concerns about how the consult/seek consent issue was working.

Finally, will the Minister confirm that, irrespective of the Bill, the processes of the memorandum of understanding were carried out in full? If so, what steps did the Minister take as a consequence?

Sarah Jones: I will be brief. I have three questions for the Minister, just to get a bit of clarity. The first is on clause 17, which, according to the Library briefing, gives the Secretary of State

"powers to issue directions to any SVP member, education, prison or youth custody service it thinks is failing to discharge its duties to prevent serious violence."

It would be helpful if the Minister could provide an example of what that means. What direction will the Secretary of State be issuing? What is envisaged by that clause?

Secondly, the amendments in clause 19 require community safety partnerships to have regard to

"preventing people from becoming involved in serious violence",

and to

"reducing incidences of serious violence"

when assessing crime and disorder in their area and formulating their strategies. It would be helpful if the Minister explained how that differs from what their strategies are doing already. Will there be a bit of an overlap of strategies there?

My final point is one that has been raised by the Local Government Association and has been drawn to my attention elsewhere. The community safety partnerships have had their funding steadily withdrawn since 2010, which has had an impact on their resources and their capacity to do things. It would be helpful if the Government could review the impact of those funding reductions on community safety partnerships—perhaps with a view to increasing that core funding—and on the ability of councils to address the range of crime issues they are expected to assist other partners in tackling.

Victoria Atkins: Serious violence has a devastating impact on victims and their families, instils fear in communities and is extremely costly to society, as I have already said. I hope the Government's intention is clear from the discussions we have had today, but it is crucial that there are consequences if some authorities are not focused on what we are trying to achieve through the duty. On the rare occasion when a specified authority or educational, prison or youth custody authority does not fulfil its requirements under the duty, thereby risking the success of the whole partnership, clause 17 provides the Secretary of State with the power to issue a direction to secure compliance.

This power does not apply to probation services provided by the Secretary of State or to publicly managed prisons, young offender institutions, secure training centres

[Victoria Atkins]

or secure colleges. For such authorities, existing mechanisms will be available to ensure they are meeting the requirements of the duty, so we are trying to get consistency across them all.

For any directions relating to a devolved Welsh authority, the Welsh Ministers must be consulted before a direction is issued. We are continuing to engage with the Welsh Government on the operation of the direction, as far as it relates to devolved Welsh authorities, and I will be writing further to Minister Hutt shortly.

I was asked for examples of when we envisage that a direction may be given. It is very much expected that these powers will be used infrequently—I hope never—but we must have this ability to ensure compliance if that situation were to arise. It is very much a matter of last resort when all other attempts to work effectively in partnership with an authority have failed. Where necessary, we must have this backstop mechanism to ensure that all relevant authorities comply with the duty and play their part in reducing and preventing serious violence.

A direction may include requiring authorities to take the necessary steps set out by the Secretary of State in order to comply with the duty. If necessary, to ensure an authority complies, a direction can be enforced by a mandatory order granted on application to the administrative court in England and Wales. We very much hope that this power will be used rarely, if at all, but if, for example, an authority refuses to provide information that it is required to provide under the Bill, it is available as a last resort when all other attempts to work effectively have failed.

Question put and agreed to.

Clauses 17 accordingly ordered to stand part of the Bill.

Clauses 18 to 22 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. *—(Tom Pursglove.)*

5.22 pm

Adjourned till Thursday 27 May at half-past Eleven o'clock.

Written evidence to be reported to the House

PCSCB11 Big Brother Watch, Amnesty International UK, Centre for Women's Justice, defenddigitalme, End Violence Against Women, Fair Trials, JUSTICE, Liberty, Rape Crisis England & Wales, and The Survivors' Trust - re: digital extraction powers (joint submission)

PCSCB12 Justice

PCSCB13 Equality and Human Rights Commission (EHRC)

PCSCB14 Prison Reform Trust

PCSCB15 Friends, Families and Travellers

PCSCB16 BLM Scotland

PCSCB17 Community Law Partnership