

Home Office: New legal duty to support multi-agency action

May 2019

The Criminal Justice Alliance (CJA) is a coalition of 150 organisations – including charities, voluntary sector service providers, research institutions and staff associations – working across the criminal justice pathway. The Alliance works to achieve a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted.

The CJA welcomes the opportunity to respond to this inquiry. The Government's 2018 Serious Violence Strategy rightly focusses on a whole-systems approach to tackling violence, including early intervention and prevention. We have previously highlighted to the Home Affairs Committee examples of good practice from our membership in this area, including peer-led approaches, family support, conflict resolution, masculinity, supporting care leavers, gang-specific work and work with young adults.¹

We support the Government's stated aims to ensure that responses to serious violence are not solely based on law enforcement but instead on a range of interventions to address root causes, but we are concerned that the Strategy and the proposed consultation options for a duty to support multi-agency action do not fully capture the fundamental concepts of a 'public health' approach.

WHO comprehensive study of public health approaches to violence states:

*'Public health is above all characterized by its emphasis on prevention. Rather than simply accepting or reacting to violence, its starting point is the strong conviction that violent behaviour and its consequences can be prevented.'*²

Broadly, we are concerned that the current balance of focus is still tipped towards the reactionary identification and targeting of specific 'high risk individuals' rather than implementing clear long-term prevention strategies to address the root causes of serious violence – poverty, unemployment, economic inequality, abuse, poor mental wellbeing and alcohol and drug consumption, amongst others. Targeting individuals runs counter to the WHO's definition of public health approaches, which are 'designed to expose a broad segment of a population to prevention measures and to reduce and prevent violence at a population-level'.³

This focus on targeting individuals and responding to incidents rather than implementing early support is reflected in the use of the 'Gangs Matrix' in London and its equivalents in other urban areas as well as the increased use of s.60 stop and search and the planned introduction of 'Knife Crime Prevention Orders'. These knee-jerk responses are heavy-handed, overly focused on the short term and are not supported by evidence that they reduce serious violence. Moreover, they are punitive responses administered solely by the criminal justice system whereas a public health approach should advocate for preventative

¹ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/serious-violence/written/87552.pdf>

² https://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1

³ https://www.who.int/violenceprevention/approach/public_health/en/

approaches supported across a wide range of public bodies and civil society. We note that in Scotland the Public Health VRU draws on experts and people with lived experience and works closely with colleagues and partners across health, education, social work and many other fields.

So while we support the aims of the Serious Violence Strategy and this consultation, we are concerned that the positive roadmap to effect a sea change in the way that agencies identify and respond to violence will not be aided by the increasingly punitive measures taken by law enforcement.

With particular reference to the consultation, we are concerned that imposing a legal duty on already stretched agencies will create unnecessary burdens with no evidence that it will positively change behaviours. We are also concerned that the consultation document does not clearly outline in any of the available options how the community will be properly consulted and engaged with by local agencies on the issue of serious violence.

8. Do you agree that the vision and focus for a multi-agency approach to preventing and tackling serious violence is correct? If not, please explain why.

- *Community involvement*

We broadly agree with the vision and focus for a multi-agency approach as outlined in the consultation document as they correctly identify the need to bring together a range of agencies beyond the criminal justice system to address the root causes of serious violence. We particularly welcome the proposed commitment to consulting with communities and ensuring that partnerships engage with voluntary and community groups – local grassroots organisations and community leaders are vital to re-establishing trust and confidence in this new approach and the agencies engaged in this work.

However, while this general commitment is present in the stated vision and focus, it is not expanded on or clarified in the three options described in the consultation. The Serious Violence Strategy stated that communities and local organisations should 'be at the heart of our multiple-strand approach to tackling serious violence.' Any proposed legal or voluntary duty should therefore include obligations to not only 'consult' with the community, but to also establish its support, allow it to participate in decision-making, and use its expertise to ensure this new approach to tackling serious violence is not 'top down'. The duty could extend to ensuring that the views and expertise of people with lived experience are also taken into account in the design and implementation of programmes to reduce serious violence.

- *Accountability*

We are also concerned that the stated vision is to ensure that agencies are not only focussed on preventing and tackling serious violence but that they will also be held accountable. While we do not disagree with this in principle, the manner in which agencies are held accountable will be crucial to the potential effectiveness of the proposed duty, legal or otherwise. Aside from a reference to Inspectorate bodies' role in monitoring compliance, there is scant other information in the consultation document about what measures will be used to assess compliance, how non-compliance will be dealt with and to what degree agencies will be assessed individually or collectively as a partnership. Referring to the previous point about community buy-in, there is also no information about how agencies will be scrutinised and held accountable by the community.

There is also a risk that imposition of a duty where agencies are held accountable, individually or collectively, for a range of as yet undefined measures will influence

behaviours at a ground level way in a negative way. If information is shared between agencies and actions taken out of fear of non-compliance rather than genuine understanding of the 'public health' approach it risks undermining the impact of these changes. The Serious Violence Strategy represents a real opportunity for a cultural shift in the way that services identify, assess and respond to serious violence and it is crucial that the need to meet targets and perform duties does not create a box-ticking culture.

- *Scope*

We are also disappointed that the consultation proposals are restricted to tackling serious violence within the scope of the Serious Violence Strategy. Domestic violence, sexual abuse, and violence as a result of substance abuse are all cross-cutting factors in cycles of violence that can span generations and increase future risk of violence. If agencies are being brought together to address serious violence of the type that has increased in recent years, there seems little reason why that partnership should not be able to address other forms of violence that will undoubtedly present themselves through this work.

Finally, as it is now over a year since the Serious Violence Strategy was published, it would be useful to understand how far these plans have already progressed (beyond the well-publicised changes to police practices) and whether there is any evidence yet that they are having a positive effect.

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

We do not consider that Option One would best achieve the consultation vision. Some of our reasons have been outlined above, chiefly that a legal duty may alter the vision of a multi-agency partnership working across sectors into a bureaucratic box-ticking exercise rather than a long-term culture shift in the way that serious violence is assessed and treated.

The lack of information about how agencies will be held accountable under a duty 'to have due regard to tackling and preventing serious violence' is also worrying. If the degree of 'due regard' is too onerous and the measures used to make this assessment are unrealistic, it runs the risk of creating the toxic culture referenced above, where already-stretched agencies view the new direction as a burden rather than a useful tool.

The consultation suggests this duty 'would not impose new functions on the agencies specified but would ensure that those agencies placed an appropriate and proportionate weight on preventing and tackling serious violence whilst carrying out their pre-existing functions.' But the level at which the weight given by an agency is deemed appropriate and proportionate is still unclear, and the lack of imposition of any new functions begs the question as to whether a legal duty will actually effect behavioural changes at a local level.

As the consultation identifies, there are already a number of promising multi-agency partnerships in place across the country. The 'public health' approach would suggest that the focus should be on using these partnerships to fully explore why serious violence is occurring (and increasing), designing and implementing evidence-based interventions and sharing best practice more widely, rather than pursuing a legislative solution that may be slow to implement and with little evidence that it will effect positive change.

11. Do you consider that Option 2 would best achieve the consultation vision? Please explain why.

We do not consider that Option Two would best achieve the consultation vision on the basis that this option (as with Option One) will create a legal duty with no clear evidence of need, and that may take some time to implement.

As the consultation states, the effectiveness of Community Safety Partnerships in their current form is already inconsistent and it is unclear how these Partnerships, under a new legal duty, would align with the steps already being taken at regional levels to bring together agencies such as the London Violence Reduction Unit.

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

Option Three appears to align most closely with the principles of a public health approach so we consider that this option would best achieve the consultation vision. Resources that might be spent on pursuing the legal duties in Options One and Two would be better spent on supporting the initiatives that already underway in parts of the country, assessing their impact and sharing learning.

By encouraging areas to adopt voluntary measures to engage in a multi-agency approach, the Home Office will avoid interfering in a process that must be informed by local knowledge about what will work best to bring together the necessary agencies. However, the approach must be supported (as the consultation suggests) by the Government's convening power through engagement events and sharing best practice across regions.

The consultation also rightly identifies the importance of strong local leadership to bring agencies together and co-ordinate action to prevent serious violence. In Glasgow, the VRU provided this leadership and the new London VRU created by the Mayor of London should become the equivalent leader for the capital on this issue. These units were created without an underpinning statutory duty.

The Home Office should consider the capacity of Police and Crime Commissioners to provide the necessary leadership on tackling serious violence at local levels. Rather than imposing on agencies a legal duty of the types described in Options One and Two, the Home Office could consider mandating PCCs to establish groups such as VRUs to co-ordinate the reduction of serious violence. This would allow violence reduction initiatives to operate according to local need and expertise but would help allay the consultation's fear that the absence of a legal duty would mean serious violence is not treated with the appropriate level of priority.

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

The consultation document lists a number of different multi-agency partnerships already operating in this space and cites Community Safety Partnerships as potential conduits for the proposed legal duty. We recommend the Home Office also looks at multi-agency partnerships operating in many areas of the country which facilitate Restorative Justice and restorative approaches. The CJA's recent work in this area, 'A journey of learning, growth and change'⁴ has shown – similarly to Community Safety Partnerships – that while

⁴ <http://criminaljusticealliance.org/wp-content/uploads/2019/04/CJAJ7063-Restorative-Justice-190426-WEB-v3.pdf>

the effectiveness of RJ partnerships varies across the country, there are many examples of innovative practice. There are also clear reference points with regard to the way many effective RJ partnerships are not only ensuring good quality RJ and restorative approaches in their areas but are also championing these approaches and aiming to embed a cultural shift across a range of agencies in how to address fundamental questions about harm and needs.

Areas of the country with strong restorative approaches in place, such as Gloucestershire and Bedfordshire, may be useful examples to better understand how a multi-agency approach needs to be supported by strong leadership and long-term attitudinal changes. Restorative services should also be included as partners in a multi-agency approach to tackling serious violence because of their ability to help reduce conflict at an early stage and so prevent future violence.

30. How can the organisations subject to any duty or voluntary response be best held to account?

Regardless of which option is taken forward by the government, it must create mechanisms for organisations to be properly held to account by the communities they serve. We recommend that agencies or partnerships providing leadership on this issue at local levels should ensure that community scrutiny and monitoring groups, such as Independent Advisory Groups, are supported (or established if they do not currently exist) to provide oversight and input on decision making. The CJA recently published a briefing on community scrutiny of stop and search⁵ where we recommended that community scrutiny groups should adhere to four key principles – that they are independent, representative, informed, and open and visible. We recommend that any similar groups established to monitor agencies' compliance with a duty (legal or otherwise) to reduce serious violence should also adhere to these principles.

⁵ <http://criminaljusticealliance.org/wp-content/uploads/2019/02/CJA-Stop-and-Scrutinise-2019.pdf>