

Children and Young People Affected by Domestic Violence and Abuse: The Role of Schools in Promoting Safety, Well-Being and Protection

4

Christine Harrison and Ravi Thiara

Exploring the Legal and Policy Context in England and Wales

Like many other countries, domestic violence is now regarded as a human rights violation, and UN Conventions on Human Rights and the Rights of the Child, and a series of European Protocols, including Council of Europe Declaration 2000 (1450) on Violence Against Women in Europe and 2002 (5) on Protection of Women Against Violence,¹ have been ratified. A range of policy and legal provisions are in place in England and Wales in relation to prevention, child protection, criminal justice and interventions for women and children who are affected. The UK's *Call to End Violence Against Women and Girls Action Plan* (HM Government 2011 and 2012) sets a strategic policy agenda for combating domestic violence, including in relation to its impact on children, across government departments, including education.

Criminal justice responses have been strengthened through the development of Specialist Domestic Violence Courts, Multi-Agency Risk Assessment Conferences and Independent Domestic Violence Advocates, which has led to the increased prosecution of offenders and to lower rates of repeat victimization for adults (Home Office, 2008; Howarth et al., 2009).

The Children Act 1989 provides the principal legislative framework in England and Wales to promote and safeguard the well-being of children, including those affected by domestic violence. Section 17 of the Children Act 1989 establishes local authorities' responsibilities to provide for children in need, and services can be provided to children and families affected by domestic violence to enable their health, welfare and development to be promoted (Mullender, 2004). Section 47 of the Children Act 1989 establishes local authorities' duty to make enquiries when serious concerns about a child's safety or well-being arise and a child is thought to be the subject of significant harm or likelihood of significant harm. 'Harm' as defined by Section 31 of the Children Act 1989 includes ill-treatment or impairment of physical or mental health, or physical, intellectual, emotional, social or behavioural development. Recognition of the significance of domestic violence as a child protection concern resulted in this definition of harm being extended by Section 120 of the Adoption and Children Act 2002, to include 'impairment suffered from seeing or hearing the ill treatment of another' (with effect from January 2005). When a local authority undertakes enquiries under Section 47 to ascertain what further intervention is required to safeguard

<http://education.purdy.continuumbooks.com>

Pastor Care 11–16. © Noel Purdy and Contributors 2013.

London: Bloomsbury

the child, this could lead to further stages in child protection or court procedures, but may also include provision of services, under Section 17, for children in need and their families.

Determining when statutory intervention in relation to domestic violence is required is complex and dependent on careful assessment and consideration of safety planning for women and children, and the exercise of professional judgement within child protection procedures. For teachers, whether a referral should be made will be established through working together with a school's child protection lead and the local social services child protection team. Guidance is also provided for England in *Working Together to Safeguard Children* (DCSF, 2010)² and for Wales in *Safeguarding Children: Working Together under the Children Act 2004* (Welsh Assembly Government, 2006), which set out the parameters for local authority interagency child protection procedures. Also relevant are the *Common Assessment Framework* (Children's Workforce Development Council, 2009), which is an assessment tool for professional working with children to promote early identification of need, and the *Framework for Assessment of Children in Need and their Families* (DOH, 2000), which provides professionals with a systematic way of identifying children in need and establishing how children's needs can best be met.

Schools also have statutory responsibilities for safeguarding and promoting the welfare of children in England and Wales, under Section 175 of the Education Act 2002. These responsibilities are reflected in both English and Welsh guidance on working together, which emphasize the role of schools in creating a safe learning environment, and of education professionals in recognizing child welfare concerns. Importantly, the role of the schools in providing information about relevant services to children and young people, and in providing PSHEE that includes domestic violence is also noted.

The Children Act 2004 reformed the strategic and organizational basis of services to children to improve integration of services, and placed a duty on authorities providing services to children to cooperate to promote the well-being of children and young people and to safeguard and promote the welfare of children.

References

- Children's Workforce Development Council (2009), *Early Identification, Assessment of Needs and Intervention – The Common Assessment Framework (CAF) for Children and Young People: A Guide for Practitioners*. Leeds: CWDC.
- Department for Children, Schools and Families (2010), *Working Together to Safeguard Children: A Guide to Interagency Working to Safeguard and Promote the Welfare of Children*. London: DCSF.
- Department of Health (2000), *The Framework for the Assessment of Children in Need and their Families*. London: The Stationery Office.
- HM Government (2011), *Call to End Violence Against Women and Girls: Action Plan*. London: Cabinet Office.
- (2012), *Call to End Violence Against Women and Girls. Taking Action – The Next Chapter*. London: The Cabinet Office.
- Home Office (2008), *Justice with Safety: Special Domestic Violence Courts' Review 2007/2008*. London: Home Office Criminal Justice Service.

Howarth, E., Stimpson, L., Barran, D. and Robinson, A. (2009), *Safety in Numbers: A Multi-Site Evaluation of Independent Domestic Violence Advisor Services*. London: The Hestia Fund and the Henry Smith Charity.

Mullender, A. (2004), *Tackling Domestic Violence: Providing Support for Children Who Have Witnessed Domestic Violence*. London: Home Office.

Welsh Assembly Government (2006), *Safeguarding Children: Working Together under the Children Act 2004*. Cardiff: National Assembly for Wales.

Notes

- 1 See www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/index_en.asp
- 2 This is being revised and will be re-issued in 2012.