



**domestic
abuse
commissioner**

Domestic Abuse Commissioner for England and Wales
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Sent via email to Sue Whitehouse

CC: Teacher Regulation, School Safeguarding and Safety Team

11th March 2022

Dear Sue Whitehouse,

**Consultation on proposed revisions to the Keeping Children Safe in Education
Guidance 2022**

As the Domestic Abuse Commissioner for England and Wales, it is my role to provide public leadership on domestic abuse-related issues and play a key role in monitoring, reporting and overseeing the response which public agencies provide to victims and survivors of domestic abuse. The role of my office is to encourage good practice in preventing domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government. As part of this, I am committed to supporting schools and wider education providers to identify, respond and prevent domestic abuse in an informed and effective manner.

The Crime Survey for England and Wales (CSEW) estimates that one in five adults aged 18 to 74 years experienced at least one form of child abuse, whether emotional abuse, physical abuse, sexual abuse, or witnessing domestic violence or abuse, before the age of 16 years.¹ This amounts to 8.5 million people. An estimated 3.1 million adults aged 18 to 74 years were victims of sexual abuse before the age of 16 years; this includes abuse by both adult and child perpetrators. Prevalence was higher for females than males for each type of abuse, with the exception of physical abuse where there was no difference. Many cases of child abuse remain hidden; around one in seven adults who called the National Association for People Abused in Childhood's (NAPAC's) helpline had not told anyone about their abuse before. Around half of adults (52%) who experienced abuse before the age of 16 years also experienced domestic abuse later in life, compared with 13% of those who did not experience abuse before the age of 16 years.

¹ [Child abuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

The way in which domestic abuse impacts children is different to adults. Barnardo's [Not Just Collateral Damage](#) report (2020)² found that many children continue to experience mental and physical health problems into adulthood. One study found that over half of children (52%) had developed behavioural problems, over a third (39%) had difficulties adjusting at school and nearly two thirds (60%) felt responsible or to blame for negative events.³ Studies also show that in adolescence, children and young people who have been exposed to domestic abuse can experience higher rates of interpersonal problems with other family members, and have an increased rate of risk taking and anti-social behaviour, such as school truancy, early sexual activity, substance misuse, and delinquency.⁴ Furthermore, domestic abuse can have a severe impact on child development, particularly for very young children. Research suggests the impact on neurological development can manifest itself in poor health, poor sleeping habits, excessive screaming, and result in disrupted attachment between child and mother.⁵

The new statutory definition of domestic abuse within the Domestic Abuse Act which recognises children and young people as victims in their own right is a positive step, but more needs to be done to ensure children and young people's experiences of domestic abuse and VAWG is recognised in all its forms. Issues of teenage relationship abuse, adolescent-to-parent violence and child sexual (and often criminal) exploitation all need to be coordinated and understood within the framework of VAWG. Government strategies and guidance must be aligned and cross-cutting, such as the VAWG strategy, the Child Sexual Abuse Strategy, Working Together to Safeguard Children and the Keeping Children Safe in Education (KCSIE) guidance, to ensure a holistic understanding of the issues.

School staff should receive training and guidance on how best to support children in situations whereby the child's parents may be going through a separation or divorce, as the proceedings could result in children being ordered to have contact with a parent who is a perpetrator of domestic abuse. A small-scale study by Cafcass and Women's Aid in 2016 suggested that allegations of domestic abuse are present in up to 62% of private law children proceedings.⁶ Research conducted in relation to these cases revealed that children's continued involvement with a parent who is a perpetrator of domestic abuse resulted in a high risk of the child being exposed to physical, sexual and emotional abuse by the perpetrator, or high levels of neglectful care.⁷ Where children present with signs of distress, or appear withdrawn after contact with a parent, school staff should endeavour to speak to the child to understand the nature of their feelings, with a view to making a safeguarding referral where a child alleges that they have been subject to abuse or neglect by a parent during their contact time.

² ['Not just collateral damage' Barnardo's Report_0.pdf \(barnardos.org.uk\)](#)

³ SafeLives (2014), In plain sight: The evidence from children exposed to domestic abuse

⁴ Stiles MM, (2002). Witnessing Domestic Violence: The Effect on Children. American Family Physician

⁵ James M. (1994) Domestic violence as a form of child abuse: identification and prevention. Australian Institute of Family Studies

⁶ Barnett, A (2020). [Domestic abuse and private law children cases, A literature review, 20: Cafcass and Women's Aid; CAFCASS, Women's Aid \(2016\), Allegations of domestic abuse in child contact cases.](#)

⁷ Barnett, A (2020) [Domestic abuse and private law children cases, A literature review, 44](#)

Support for children should go hand-in-hand with support for the whole family. Adult victims will often be involved alongside a child, and agencies should be aware that support for the child should happen alongside support for the adults in order to be most effective. There should be holistic provision in place around the whole family, including specialist perpetrator intervention and recovery programmes.

There should be robust policies and guidance in place to support teachers and members of staff experiencing domestic abuse, recognising that their children and perpetrator may also be in the institution. Recent data from the government's workforce and business analysis show that 75.8% of teachers are women.⁸ Domestic abuse is a gendered crime, disproportionately committed by men against women, and women are disproportionately affected by the highest-harm abuse. Women's Aid Federation of England report that women experience higher rates of repeated abuse and are more likely to be seriously hurt or killed than male survivors.⁹ Over 90% of MARAC referrals for the highest-risk victims and survivors of domestic abuse were female, and 83% of high frequency victims (where more than 10 crimes were committed) were women.¹⁰

An effective response to domestic abuse can be delivered by no single agency alone, and the KCSIE guidance should reflect this. It requires a Coordinated Community Response (CCR), a truly multi-agency effort that draws on the resources, expertise and power across the spectrum of statutory and specialist agencies and organisations. This response understands the system as a whole and the needs of survivors and their children - as well as the needs and risks posed by perpetrators - as diverse, multi-layered and intersecting. The CCR sits at the heart of the local response, but must also be embedded, understood and promoted at the national level.

Working with children and young people is a critical element of the preventative approach required to truly tackle the root causes of domestic abuse and VAWG. The new RSHE requirement in primary and secondary schools is a welcome and positive step, but work in this space must go further to bring the entirety of the education system into step with a holistic understanding of domestic abuse and VAWG and how it needs to be tackled through policies, behavioural and attitudinal change that both sensitively and confidently challenge harmful gendered beliefs and attitudes. This includes early intervention work with young people displaying harmful or abusive behaviours; work that should be enshrined through a comprehensive strategy on perpetrators. 'Young people' should also include consideration of those in transitional stages to adulthood post-18, including continuing VAWG preventative and educational work and support services into tertiary education.

As such, I am making the following recommendations for the proposed revisions to the KCSIE Guidance.

Recommendations:

⁸ [School teacher workforce - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.gov.uk/ethnicity-facts-figures)

⁹ <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/domestic-abuse-is-a-gendered-crime/>

¹⁰ <https://safelives.org.uk/policy-evidence/about-domestic-abuse/who-are-victims-domestic-abuse/>; Walby, S. and Towers, J. (2018) 'Untangling the concept of coercive control: Theorizing domestic violent crime', *Criminology & Criminal Justice*, Vol 18, Issue 1, pp 7-28

1. **The KCSIE guidance should be updated to include information from the upcoming Domestic Abuse Act Statutory Guidance, in relation to children being defined as victims of domestic abuse in their own right.** The Statutory Guidance for the Act is due to be published imminently, and the KCSIE guidance should reflect how the Statutory Guidance advises agencies to respond to the new definition.
2. **All schools and education providers should be linked to their local domestic abuse referral pathways for adult and child victims and perpetrators.** This is an essential pathway to specialist support and safety, as well as being an important point of contact for staff to check-in with, learn and grow in confidence.
3. **All schools and education providers should have robust domestic abuse policies for their staff, including clear procedures for supporting both victims and perpetrators within the school.** These policies should be developed in consultation with the specialist domestic abuse sector, and include provisions for child victims within the school.
4. **The KCSIE guidance should include clearer directives for schools on how children experiencing domestic abuse, and their parents, should be supported following an incident or a disclosure.** The guidance should also include further detail on the ways in which domestic abuse may present in children to aid the identification of domestic abuse.
5. **School staff should receive training and guidance on how best to support children in situations whereby the child's parents may be going through a separation or divorce.** The proceedings could result in children being ordered to have contact with a parent who is a perpetrator of domestic abuse.
6. **The KCSIE guidance should not include low-level concerns being flagged automatically on employment references, and instead look towards a case-by-case system.** It is crucial that staff recognise the escalation in risk that flagging concerns on a perpetrator's employment reference may pose to victims of domestic abuse. It is also important to understand how this policy might be weaponised by perpetrators as part of a pattern of coercive and controlling behaviour to impact a victim's career. These concerns should only be flagged after multi-agency consideration, led by domestic abuse specialists, on a case-by-case basis.
7. **The KCSIE guidance should include information for teachers on where to access specialist support to deliver domestic abuse content in RSHE lessons effectively.** Last year's Ofsted review found that teacher confidence was low and it is vital that teachers are supported to deliver these lessons in an informed and confident way. Equally, teachers must be equipped to respond sensitively and effectively to any disclosures that may occur as a result of teaching about domestic abuse during RSHE lessons.
8. **The Department for Education's upcoming RSHE non-statutory guidance is a welcome step and should be developed in consultation with the specialist**

domestic abuse sector. It is also key that the non-statutory RSHE guidance and the KCSIE guidance are coordinated and linked to one another.

I am grateful for the opportunity to feed into this consultation. I recently had a very productive meeting with Minister Quince and Baroness Barran on the new roll-out of family hubs, as well as speaking at the Department's RSHE and domestic abuse webinar, and am heartened to see the Department's commitment to victims and survivors of domestic abuse. I would warmly welcome the opportunity to meet with you to discuss these opportunities further and offer my support to work with the Department to ensure the safety of victims and survivors of domestic abuse.

Yours sincerely,
Nicole Jacobs

A handwritten signature in black ink that reads "Nicole Jacobs". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Domestic Abuse Commissioner for England and Wales