

# Keeping learners safe

## Consultation response form

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Responses should be returned by 7 November to:

Supporting Achievement and Safeguarding Branch  
Support for Learners Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [keepinglearnerssafe@gov.wales](mailto:keepinglearnerssafe@gov.wales)

**Question 1** – Do you agree that the draft amendments made to the updated KLS guidance are appropriate and effective? If not, what further amendments do you think are necessary?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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## Supporting comments

The specific inclusion of a distinct chapter on violence against women, domestic abuse and sexual violence (VAWDASV) is welcome in light of the duties on local authorities, educational institutions and other public bodies within the VAWDASV (Wales) Act 2015. It is critical that the Act is understood within its relation with the Social Services and Well-being Act and the Wellbeing of Future Generations Act in creating a framework to prevent all forms of VAWDASV from happening in the first place, providing information, advice and support to survivors while striving towards an equal society.

In addition, specific legislative and policy initiatives also address individual forms of VAWDASV such as the Serious Crime Act 2015 which has created a mandatory duty for frontline professionals to report safeguarding concerns in relation to female genital mutilation (FGM) and the Welsh Government National Action Plan on tackling Child Sexual Abuse.

The chapter and the guidance as a whole needs to strengthen the alignment of these duties if it is to effectively enable safeguarding and policy processes underpinned by the guidance. Specific points need to be strengthened and included to ensure professionals covered by the guidance fully understand their role in safeguarding children and young people affected by VAWDASV. These include:

- Ensuring children and young people are recognised as survivors in their own right

Children and young people who experience any form of violence or abuse in the home need to be recognised and identified as survivors in their own right and therefore have access to the appropriate level of safeguarding and support. There is no such thing as indirect impact of violence and abuse on children and young people. Research indicates that children experience domestic abuse not just as witnesses but as victims (Katz, 2015), (Callaghan, 2015). Domestic abuse creates a distressing, stressful and harmful environment and the long-term consequences of this trauma can stretch into adulthood and can affect children in different ways. The language of the guidance needs to reflect this.

- Ensure all professionals have an understanding coercive and controlling behaviour

There are many types of abuse children and young people may experience, such sexual and physical abuse, and coercive control within the household. Those living within coercive control will likely have experienced highly restrictive and un-free family lives, with limited opportunities to develop personal confidence, a sense of independence and competence, and social skills.<sup>1</sup> Recognising and understanding the impact of coercive and controlling behaviour will be pivotal to affective safeguarding. At present the guidance focuses on physical and sexual abuse and negates to effectively equip professionals to identify and respond to children and young people impacted by coercive control.

- Ensure the guidance recognises children and young people survivors in their own relationships and offers them support and protection that equates adult survivors.

Young people will also experience abuse within their own intimate partner relationships. Research found that between a half and two-thirds of young women aged 14-17 years-old and between a third and two-thirds of young men have reported experiencing intimate partner violence<sup>2</sup>. 16-25 years old represent 21% (261 young people) of those accessing refuge and 10% (591 young people) of those accessing community services for domestic abuse in Wales in 2017-18.<sup>3</sup> There is also research to show that learning disabled children are at increased risk of sexual and physical abuse and neglect<sup>4</sup>. Disabled children at greatest risk of abuse are those with behaviour/conduct disorders, other high-risk groups include those with speech and language difficulties, health-related conditions and Deaf children<sup>5</sup>.

The guidance needs to strengthen its response to young people experiencing VAWDASV in their own relationships. It needs to ensure that any disclosure is treated with the seriousness it deserves and that they are offered equal protection and support as adult survivors. This includes effective intervention takes place with the perpetrator to hold them to account and action is taken to prevent further abuse. Responses to disclosures must not penalise the survivor in anyway, ensuring they have a continued right to access to educational institutions and other spaces free from abuse and without being confronted by the perpetrator.

It is critical that the guidance effectively recognises that Relationship and Sexuality Education should empower young people to seek support and have a clear understanding of their rights to healthy and consensual relationships. The guidance must ensure an effective alignment with RSE to ensure that appropriate safeguarding procedures including appropriate responses to disclosures that enable referral pathways to specialist support for young people.

- Increase information on referral pathways specialist VAWDASV services.

The guidance needs to provide clear expectations for educational institutions and professionals to build relationships with specialist VAWDASV services and facilitate effective pathways. This should be outlined under their duty as public bodies to protect and support

<sup>1</sup> Katz, Emma (2016) Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed by and Resist Regimes of Coercive Control', *Child Abuse Review*, 25 (1): 46-59

<sup>2</sup> NSPCC (2015) 'Safeguarding Teenage Intimate Relationships (STIR) Connecting online and offline contexts and risks'

<sup>3</sup> Welsh Women's Aid (2018) Annual Report: Data from specialist services in Wales, 2017/18. Cardiff: Welsh Women's Aid

<sup>4</sup> Allington-Smith, P., Ball, R., & Haytor, R. (2002). Management of sexually abused children with learning disabilities. *Advances in Psychiatric Treatment*, vol. 8, pp. 66-72

<sup>5</sup> Miller, D. & Brown, J. (2014) We have the right to be safe: Protecting disabled children from abuse: Executive summary. NSPCC

survivors. To facilitate this, schools need to engage with VAWDASV specialist services to support both teachers and students with policy and procedures around children’s experiences of violence and abuse.

- Enable support for the non-abusive parent, to empower them to provide support and protection for their children

Evidence continually shows that the abuse experienced by the mother is seen as separate from the children and that the end of a relationship is presumed to mean that the abuse will stop. Serious Case Reviews have highlighted there was a lack of consideration of how domestic abuse could pose a specific risk to children and that the assumption that the end of the relationship was a protective factor, was a serious failing which in part led to the unsafe contact arrangements. It is vital that the guidance ensures that educational institutions recognise the ongoing risk posed post separation, this has been apparent in various Domestic Homicide Reviews. In addition, pursuing child contact as a way to continue to control and abuse by the perpetrator (a very common occurrence reported to us by survivors) must also be recognised.

Survivors have spoken to us about the implications of what Professor Marianne Hester has called the ‘three planets model’<sup>6</sup>. The domestic violence planet, where domestic abuse is considered a crime and the focus is on taking action against the perpetrator; the child protection planet, which often holds the victim responsible for the consequences of abuse and often requires mothers to remove themselves and the children from the perpetrator; and the child contact planet, where the emphasis then moves to the child having contact with both parents. As one family worker noted ‘social services are giving advice about safeguarding children without taking into account the court orders in place’. At the centre of these three planets is the non-abusing parent and child who are being given contradicting messages and often being placed in unsafe situations.

The Adverse Childhood Experiences (ACEs) research shows the significance and value of a strong adult relationship when it comes to building resilience in children who have experienced any kind of trauma. The guidance needs to recognise the role of enabling and supporting the non-abusive parent within the safeguarding procedure the child or children. This includes ensuring effective referral pathways to support for the non-abusive parent and enabling their positive relationship with their children.

**Question 2** – Do you agree with the role and responsibilities outlined in the KLS guidance for both the Designated Senior Person (DSP) for child protection and local authority lead officer for safeguarding? If not, what further amendments do you think are necessary?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

<sup>6</sup> [https://research-information.bristol.ac.uk/en/publications/the-three-planet-model\(23e78119-b0f4-485a-99be-c4ff52f6804b\)/export.html](https://research-information.bristol.ac.uk/en/publications/the-three-planet-model(23e78119-b0f4-485a-99be-c4ff52f6804b)/export.html)

The Designated Senior Person role will be of benefit to helping schools implement the guidance, however there needs to be structures put in place to enable a flow of information between agencies, education practitioners and the local authority in order for a more formal referral pathway to be established, which prioritises the safety of the child or young person.

The prevalence of children and young people’s experiences of violence and abuse has already been identified, which means that the role of the Designated Senior Person could and should be informed and influenced by the new Relationship and Sexuality curriculum, as conversations and content around consent, coercion, sexuality and healthy relationships become more prominent.

As children and young people’s awareness of all forms of abuse increases, so can their risk. This is especially significant to a child or young person who is living within an abusive home or experiencing abuse in their own relationship as education can, by proxy, shift their ‘norms’. It is vital that the role of the Designated Senior Person includes increasing the ability of children and young people to seek help<sup>7</sup>, and that schools are linked to appropriate services<sup>8</sup>.

The local authority designated lead officer must ensure collaboration with the Violence against Women, Domestic Abuse and Sexual Violence strategic structures, such as regional VAWDASV boards, is also essential in order to ensure a coordination of agendas at a strategic level. At present this is patchy across Wales. The KLS guidance offers an opportunity to address this and strengthen responses across Wales.

**Question 3** – Do you think that the safeguarding audit tool provides the right level of support for schools?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

Schools need to have the resources and capacity to enable effective safeguarding, to include specialist training and support. Whilst the tool itself is useful and informative, there is no direct link to VAWDASV or information on specialist services. A knowledge and understanding of access and availability in Wales is extremely important to enable any safeguarding officers to do their jobs effectively. The audit tool also puts the emphasis on teachers to absorb the responsibility of safeguarding, in the absence of designated training, funding and support. This is a short-term approach to a lifelong issue, which risks the well-being, mental and physical health of the children it is meant to be protecting.

**Question 4** – On publication of the final KLS guidance following this consultation, a programme of implementation will commence. What implementation activity (training and/or awareness raising for specific audiences, for example) do you consider will be necessary?

**Supporting comments**

In order to support the draft keeping learner’s safe guidance, all teachers need to have training delivered by those with expertise on how to handle disclosures as well as reinforced or refresher training specifically on all forms of violence against women, domestic abuse and sexual violence (VAWDASV). This must be in addition to the safeguarding element of the training leading to qualified teacher status (QTS). Part of this training needs to encompass a knowledge and awareness of pathways to local specialist services to enable sufficient referral.

<sup>7</sup> Miller, D. & Brown, J. (2014) We have the right to be safe: Protecting disabled children from abuse: Executive summary. NSPCC

<sup>8</sup> Are you listening and am I being heard? Welsh Women’s Aid, March 2016, [http://www.welshwomensaid.org.uk/wp-content/uploads/2016/03/Are\\_you\\_listening\\_and\\_am\\_I\\_being\\_heard\\_FINAL\\_July\\_2016.pdf](http://www.welshwomensaid.org.uk/wp-content/uploads/2016/03/Are_you_listening_and_am_I_being_heard_FINAL_July_2016.pdf)

The National Training Framework<sup>9</sup> is a supporting principle of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act and offers guidance on the statutory requirements for training across the public and third sector in Wales on all forms of violence against women, this includes Ask and Act training that enables identification of VAWDASV, appropriate responses to disclosures and effective action to enable protection and support. Ask and Act training should be a fundamental part of the implementation activity for the KLS guidance. Recognising and understanding signs, symptoms and experiences of all forms of violence and abuse should be embedded in the normative safeguarding process, as a method to reduce children's risk of harm.

Teachers need to have access to tailored training from specialist services on all forms of violence and abuse, as well as information on referral pathways in their local areas. Parents need to be informed of the development of new programmes, as well as what safeguarding measures schools are taking to keep their children safe, and the students themselves need to engage in their own awareness that advocates peer support.

We welcome the reference to *The Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales*<sup>10</sup> sets out a multi-layered 'whole school' approach to give children the support they need. It is critical that alignment to the implementation of the KLS guidance and the delivered of a whole education approach to VAWDASV is facilitated and resourced across all educational institutions.

It is also critical that the implementation includes investing in the well-being of staff, through sufficient clinical supervision and regular training, who deal with safeguarding issues. This is paramount in order to promote retention and reduce turnover of trained staff.

Lastly, this process will be undermined by unchallenged experiences of gender inequality or everyday sexism in schools – all of which speak to a culture that minimises violence against women, domestic abuse and sexual violence. This structural and cultural minimisation is in direct conflict to the aims of the keeping learners' safe guidance and, therefore, will be significantly prohibitive to any kind of implementation programme.

**Question 5** – We would like to know your views on the effects that the KLS guidance has on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

### Supporting comments

Welsh Women's Aid would urge that the use of the Welsh language is equally as robust as English. We would also urge that it is clear that a child or young person can disclose in Welsh and that the ability to respond in Welsh is promoted in order to ensure inclusivity in all contexts, which will contribute to a positive effect on treating the Welsh language no less favourably than the English.

<sup>9</sup> The National Training Framework, Welsh Government, 2015, <https://gov.wales/national-training-framework-violence-against-women-domestic-abuse-and-sexual-violence>

<sup>10</sup> Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales, Welsh Government, 2015

**Question 6** – Please also explain how you believe the proposed policy could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

### Supporting comments

See above

**Question 7** – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

### Supporting comments

In summary, Welsh Women’s Aid makes the following recommendations:

- The National Training Framework should be utilised and implemented aligned to the implementation of the KLS guidance.
- Teacher training needs to be consistent and delivered by external experts from the VAWDASV specialist sector to increase awareness and empower staff to identify signs and symptoms.
- Referral pathways must be strengthened to ensure appropriate and effective support and protection is provided to children and young people as well as facilitating support for the non-abusive parent.
- The language must reflect children and young people to be identified and supported as survivors in their own right.
- Children and young people need to be engaged with conversations around gender equality, consent and sexuality in order to empower them to identify problematic behaviours that perpetuate all form of violence against women and girls.
- Resources and training should be utilised in order to support teachers and educate parents on the importance of the new guidance.
- The KLS guidance and supportive safeguarding tools need to be VAWDASV informed in order to provide a holistic and joined up response.

Welsh Women’s Aid welcomes the opportunity to inform the consultation on the updated draft keeping learners’ safe guidance. Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) is a safeguarding issue that requires multi-agency, statutory responses, many of which are enshrined in national and international legislation such as the **United Nations Convention on the Rights of the Child (UNCRC)** and the **United Nations Convention on the Rights of Disabled People (UNCRDP)**.

It is estimated that least 168,000 children and young people in Wales who will have experienced a form of violence against women, domestic abuse and sexual violence, and will be living with the emotional and physical consequences of that abuse.

- We know that children and young people are experiencing VAWDASV in their childhood within their families. 1,121 children were supported by specialist VAWDASV community/outreach services in Wales in 2017/18, and 1,065 children under 16 years of age were supported in refuge provision. There has been a year on

year increase of 14% in the number of children accessing refuge-based support services.<sup>11</sup>

- We know that almost 20% of younger students aged 11-14 in Wales have experienced verbal abuse in relationships at least once or more, which rises to almost 40% of students aged 15-16, and up to one in five girls at secondary schools in Wales report they've experienced unwanted touching, groping or kissing by a boy whilst in school at least once.<sup>12</sup>

- Research by Public Health Wales has demonstrated how Adverse Childhood Experiences (ACEs)<sup>13</sup> can negatively impact children and young people's mental health, well-being, academic attainment and their relationships lasting well into adulthood.

It is imperative that children and young people as survivors are safeguarded from harm; that professionals provide opportunities for safe disclosure and early intervention, especially for those who may find it harder to speak out about abuse, and that referral pathways and support is available for them to continue with their lives and move on from their experiences. To achieve long-term change, interventions and responses need to focus on preventing abuse from happening in the first place.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

<sup>11</sup> State of the Sector, Welsh Women's Aid, 2019, <https://www.welshwomensaid.org.uk/wp-content/uploads/2019/01/State-of-the-Sector-2018-Eng.pdf>

<sup>12</sup> School Health Research Network survey of 35,071 students from 87 secondary schools in Wales (SHRN, 2015).

<sup>13</sup> Adverse Childhood Experiences (ACEs), Public Health Wales, <http://www.wales.nhs.uk/sitesplus/888/page/88524>