

Police Crime Sentencing and Courts Act 2022

Serious Violence Duty London Partnership Guidance

Introduction

This guidance sets out the key requirements of the Serious Violence Duty which is anticipated to commence on 31st January 2023 and provides a consistent approach for London.

This is not intended to be a comprehensive summary of the Serious Violence Duty, which can be found in the current government guidance.

<https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-draft-guidance/serious-violence-duty-draft-guidance-for-responsible-authorities-accessible-version>

The Home Office guidance that supports the duty is written from a national perspective with broad principles, leaving a range of issues to be determined by “local areas”, which for London is the 32 London Boroughs.

These include agreeing:

1. A local partnership arrangement to lead on the duty,
2. Agreeing a definition of serious violence,
3. having consistent data sharing, analytical processes to produce a Strategic Needs Assessment and
4. Production of a Strategy to set out how the duty will be implemented locally.

Without a consistent approach across London, there would be multiple partnership arrangements, a host of different definitions of Serious Violence, from that the analysis would look at different aspects of violence and produce widely variable SNA’s and Strategies. For local areas, this risk producing a Strategic Needs Assessment and Strategy that inadvertently miss some of the requirements of the statutory duty.

Through consultation with partners, it was agreed that the London Violence Reduction Unit (VRU) would lead on coordinating a consistent approach for the capital, through development of London Guidance, that builds on the national document. The guidance has been developed with colleagues from across City Hall as well as Local Authorities, London Councils, the MPS, probation service and health.

Requirements of the Serious Violence Duty

The Duty requires specified authorities to work together to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the causes of that violence and to prepare and implement a strategy for preventing and reducing serious violence.

The responsible authorities (also known as ‘duty holders’) in the Serious Violence Duty will be:

- The police
- Fire and rescue authorities
- Justice organisations (youth offending teams and probation services)
- Health bodies (Integrated Care Boards)
- Local authorities

It is important to note that the local arrangements and relationships with the duty holders is determined locally and the partnership should ensure that suitable representatives are linked into the local lead partnership within each borough (stated below).

The Duty allows for local areas to have the flexibility to determine the geographical extent of their partnership and does not require the creation of new multi-agency structures. Importantly, the guidance advises that existing local structures where possible should be used to comply with the requirements of the Duty. The duty applies in the defined local area and not at a regional level.

Educational institutions, prisons and youth custodial institutions will be under a separate duty to co-operate with duty holders, but they are not “duty holders”.

There are key requirements for the duty holder authorities to fulfil together:

- Undertake an evidence-based analysis of the causes of serious violence in their area (and have effective data sharing to enable this)
- Develop a strategic needs assessment based on the analysis
- Develop and implement a strategy with solutions to prevent and reduce serious violence in their area, which will need to be reviewed every year

The Duty will create the conditions for responsible authorities to collaborate and communicate regularly, share information and take effective coordinated action in their local area to reduce violence. All organisations and agencies subject to the duty will be accountable for their activity and cooperation with each other.

Local Partnership Arrangements

The Duty does not specify a ‘lead’ organisation or person whose responsibility is to coordinate activity or prescribe a structure within which specified authorities are expected

to work. It is for the specified authorities to come together to decide on the appropriate lead and structure of collaboration for their area.

The government guidance references the local Community Safety Partnership (CSP), or other partnerships such as the multi-agency safeguarding arrangements, Criminal Justice boards or Health and Wellbeing boards. It may also be the case that collaboration via several different partnership structures is preferred depending on the local context.

The Duty provides broad proposals for how “duty holders” implement the duty, at a national perspective, however this means that without bespoke London guidance, the 32 boroughs could adopt significantly different partnership arrangements.

Having consulted with all the partners highlighted above, through task and finish and focus groups, as well as consulting with London Chief Executives, the consensus was that Community Safety Partnerships were the most appropriate partnership to lead and hold statutory responsibility to deliver the Serious Violence Duty in each London borough.

The reasons include:

- The Community Safety Partnerships have all the “duty holder” agencies within their statutory membership and there are not encumbered by restrictions that are age related.
- The local Violence and Vulnerability action plans already set out the importance of all the strategic boards working collaboratively, which ensures that they all should be cognisant of the New Duty, even if not leading on it.

This Duty will be important to bring together, and require, other Statutory Boards* to reflect their practise, involvement, input and understanding of the Duty including the Strategic Needs Assessment and Strategy. This is already the case for some of the boards with the development of the annual CSP Strategic Needs Assessment and Plan. Other Statutory Boards will need to be ‘consulted’ / ‘informed’ (this will be determined by the local arrangements in place) on the Duty.

**Statutory Boards – Children’s Safeguarding Executive, Adults Safeguarding Board, Health and Wellbeing Board.*

This guidance therefore recommends that the Community Safety Partnership should be the partnership arrangement on each borough, that will hold the statutory responsibility for deliver the serious violence duty.

It is important to recognise that all other partnership boards locally, will wish to be cognisant of the duty in their work.

Definition of Serious Violence

The legislation provides that, for the purposes of the Duty, serious violence includes domestic abuse, sexual offences, violence against property and threats of violence but does not include terrorism.

In considering serious violence within their area, specified authorities should encompass serious violence as defined for the purposes of the Government's Serious Violence Strategy and include a focus on issues such as public space youth violence. The Government's Serious Violence Strategy sets out specific types of crime of concern, including homicide, violence against the person which may include both knife crime and gun crime, and areas of criminality where serious violence or its threat is inherent, such as in county lines drug dealing. These crimes should be at the core of the serious violence duty for the purpose of its reduction and prevention.

There is flexibility for specified authorities in local areas to take account of their evidence-based strategic needs assessment and include other types of serious violence.

The guidance sets out types of violence that should be incorporated within the definition of serious violence but there is no actual definition provided and it allows each local area to define serious violence. This therefore risks a fragmented picture, with multiple local definitions and from that a risk of gaps locally in the response to the serious violence duty.

Whilst a definition of Serious Violence for the duty will bring consistency for London, there will be nothing to stop a local partnership from focussing on other areas of violence outside of the definition, they will just not be subject of the duty.

Having consulted with Heads of Community Safety from across London, the MPS, probation, health, the Home Office, as well across City Hall, the working definition of Serious Violence for London is:

Serious Violence for the purposes of the Serious Violence Duty in London, is defined as:

Any violence and exploitation affecting young people under the age of 25, domestic abuse and sexual violence. Within the context of these types of violence, it encompasses homicide, grievous bodily harm, actual bodily harm, rape, assault by penetration, sexual assault, personal robbery, threats to kill and violence against property caused during the commission of one of these offences.

Domestic abuse is as defined in the Domestic Abuse Act 2021.

Notes

A

Within the Domestic Abuse Act 2021:

- 1) This section defines "domestic abuse" for the purposes of this Act.
- (2) Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if— (a) A and B are each aged 16 or over and are "personally connected" to each other, and (b) the behaviour is abusive. (3) Behaviour is "abusive" if it consists of any of the following— (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse (see subsection (4)); (e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (4) "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to — (a) acquire, use or maintain money or other property, or (b) obtain goods or services.
- (5) For the purposes of this Act, A's behaviour may be behaviour "towards" B despite the fact that it consists of conduct directed at another person (for example, B's child).
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section. (7) For the meaning of "personally connected",

It should be noted that in Chapter 3 of the Statutory Guidance of the act, it recognises that domestic abuse can encompass a range of behaviours, including abuse that is physical, violent or threatening behaviour, sexual abuse, controlling & coercive behaviour, harassment or stalking, economic abuse, emotional or psychological abuse, verbal abuse, technology-facilitated based, abuse relating to faith, 'honour'-based abuse, forced marriage and female genital mutilation.

B

With regards to 'violence and exploitation affecting young people under the age of 25,' this encompasses those aged under 25 who are victims of offences; suspects/offenders for offences; or both. (*aligned to home office Home Office "definition" of serious violence in their 2018 strategy*)

C

Serious violence includes (but does not require) any of the defined offences where a knife, section one firearm or corrosive substance is used, threatened or intimidated.

Data and Information Sharing

The duty sets out an expectation to collaborate effectively across partnerships to share data and intelligence. As with most of The Duty, this is described in generic terms and without agreement amongst all key partners on what data to share, at what level and in what way, it will lead to a disjointed approach across London, with risks of data sharing that is reasonable being denied or data breaches if there are not appropriate data sharing agreements for all agencies across London and at a local level.

The purpose for recommending data requirements means that data collected at borough level will translate to regional and build a regional picture. This is something that all VRU's across England and Wales wish to achieve. Consistency of approach across London through the duty, will present an opportunity to support this.

Analysis and Development of a Strategic Needs Assessment

These two elements of The Duty are co-dependent. In order to identify the kinds of serious violence that occur in their areas, and so far as it is possible to do so, the causes of that serious violence, the partnership should work together to establish the local 'strategic needs assessment' – identifying the drivers of serious violence acting in the local area and the cohorts of people most affected or at risk. This will require the sharing of relevant data and intelligence held by the individual organisations subject to the duty.

A strategic needs assessment will enable a local area to identify current and long-term issues relating to serious violence and the cohorts most vulnerable to involvement in their partnership area. This will provide a greater understanding of established and emerging serious violence trends, priority locations or other high-risk issues.

The strategic needs assessment should be formulated following an evidence-based analysis of information relating to the violent crime types, the drivers of crime within the partnership area and the cohorts most vulnerable. This will require the gathering and analysis of data from all partners.

Analysis at a local level is conducted to determine the SNA which helps understand the profile of violence as well as some of the opportunities to work in partnership to reduce

violence. The results of the strategic needs assessment should be used by the partnership to define their serious violence issues and formulate and prioritise bespoke actions to prevent and reduce serious violence that the partnership will take forward (the strategy).

It is important that there is a consistent approach taken to analysis of the data across all 32 boroughs, otherwise how this informs the Strategic Needs Assessment will differ and it will be challenging to then aggregate the variable analysis to understand trends and risks across boroughs or at a London level.

The lack of a consistent approach will also risk local analytical work missing important aspects of violence or vulnerability and developing a Strategic Needs Assessment that inadvertently risks non-compliance with the statutory duty.

Therefore, it has been agreed that there will be a consistent format for the SNA for London, which will take into consideration local resourcing and access to data through existing data sharing agreements or which do not require new ones.

The datasets and analytical minimum standards are currently being drafted with input from the London Partnership Analysts Group and the MPS, as is the template that will be used by all boroughs, to set out their SNA. Once the analytical support process is available it will be added to this guidance as an Appendix.

The Strategy

The Duty sets out that the strategy should be prepared by the specified authorities following the comprehensive strategic needs assessment. It should comprise a range of new and existing actions that the partnership will take forward to prevent and reduce the serious violence issues and drivers that have been identified.

The guidance states the strategy could include, but is not limited to, the following:

- a) A high level (non-sensitive) summary of the strategic need's assessment.
- b) How the chosen partnership will work to discharge its duties under the legislation to prevent and reduce serious violence.
- c) Actions (including early intervention preventative action) to be undertaken by the whole partnership area to prevent and reduce serious violence and support victims.
- d) Actions or bespoke plans by sector/partner.
- e) Wider actions (where appropriate cross boundaries or nationally).
- f) Ongoing engagement with the voluntary and community sectors, young people and local business.
- g) How the identified action enhances or complements existing action/or arrangements within the local area.
- h) Identified funding streams or resources that can be used by the partnership for prevention and reduction activities.
- i) Date for review/annual review mechanism.
- j) Where applicable the annual assessment of the partnership's performance against the previous years' strategy.

The Duty requires that the strategy is published on each councils website, kept under review and revised at a minimum on an annual basis and specified authorities should collectively decide if any new action is required or if a revised strategy is needed. The strands of activities shown within the strategy will be reviewed through local violence and vulnerability action plans by the Partnership.

This guidance provides a recommended draft template for the Strategy as **Appendix 3**. The template will enable each local area to be confident that it has covered all aspects required within the local strategy. It is a template to structure the content but the content itself, will be determined by the local strategic needs assessment and partnership decision making.

Appendices

Appendix 1

Analytical Guidance

The SNA will provide an overview of the profile of the borough, demographics, deprivation factors, hotspot locations, temporal analysis for both times of the year (week and day), and victim and offender analysis.

As part of the SNA, analysts will be able to access the below Open source datasets, as well as the MOPAC E&I Serious Youth Violence Problem Profile, to support this work.

Relevant SafeStats Datasets

- **London Ambulance Service** - details of every incident in which a vehicle was dispatched (such as incidents relating to violence, sexual assault, and gun/knife-injuries). Dataset includes incident classification, location, date/time of dispatch, as well as age and gender of person(s) treated.
- **British Transport Police**- recorded crime data for offences that occurred on the over ground rail network and the London Underground. Dataset includes offence classification, location and date/time of incident.
- **Hospital Emergency Departments**- attendance data relating to victims of violence, as collected through the Information Sharing to Tackle Violence (ISTV) programme. Dataset includes location, date/time of incident and method of injury.
- **Metropolitan Police Service**- recorded crime data. Dataset includes offence classification, location and date/time of incident.
- **Transport for London**- data relating to code red incidents that occurred on London buses (Driver Incident Records). Dataset includes incident categorisation, location and date/time of incident.

Dashboards

Previous MOPAC dashboards are now archived with new ones coming. These will be the Trust and Confidence Dashboard, Reducing and preventing Violence, and Victim and Witnesses are better supported.

The change for the MPS is that they have closed their Hate Crime/Special Crime dashboard and amalgamated into one larger Crime Dashboard:

<https://public.tableau.com/app/profile/metropolitan.police.service/viz/MonthlyCrimeDataNewCats/Coversheet>

The MPS have the homicide dashboard, but is updated a quarter in arrears

<https://www.met.police.uk/sd/stats-and-data/met/homicide-dashboard/>

Wider Data Sources

London Datastore - Greater London Authority
Hospital Episode Statistics - NHS Digital
Fingertips Public Health Profiles - OHID
LG Inform - Local Government Association
Office for National Statistics (ONS)
Education statistics - Department for Education
NOMIS - ONS
Greater London Crime and Safety Statistics | CrimeRate
Police.uk (www.police.uk)
Local Authority Data- Children social care, Youth Offending Teams, ASB, Housing
TTCG briefing slides
<https://opendatacommunities.org/def/concept/general-concepts/imd/crime>

Appendix 2

SNA template to be inserted

In London borough of XX, the SNA shows the following key factors (will insert headings of SNA areas once finalised)

Appendix 3

Strategy Template
(Attached)