

## Supporting schools to break the link between school exclusions and child criminal exploitation

### About Just for Kids Law and the Children's Rights Alliance for England

**Just for Kids Law** is a UK charity that works with and for children and young people to ensure their legal rights are respected and promoted, and their voices heard and valued. Our work includes legal support for young people through the process of challenging school exclusions. We advise children on their legal rights and entitlements and provide representation in exclusion reviews and discrimination appeals.

**The Children's Rights Alliance for England (CRAE)** merged into Just for Kids law in 2015 and works with over 100 members to promote children's rights and monitor government implementation of the UN Convention on the Rights of the Child.

### Background and summary

All children are entitled to receive a good education. For children who are facing adversity in their daily lives, school should be a place where they can get the support they need to learn, thrive, fulfil their potential and make a positive contribution to society. But right now, too many children are at risk of being drawn out of school and into a cycle of criminal exploitation and abuse.

There is a clear link between exclusion from school and entry into the youth justice system - data from the prisons inspectorate shows that more than eight out of 10 children in custody have been excluded.<sup>1</sup> At Just for Kids Law, we see this reflected in our casework, with many children who have been victims of Child Criminal Exploitation (CCE) and groomed into criminal activity (often "county lines" drug trafficking) being excluded for behaviour which is linked to their exploitation. Too often the reasons behind their behaviour are not properly investigated and they are instead excluded from school. For many of these children, exclusion acts as a trigger point, pushing them further away from their education and onto the streets - towards those who are exploiting them.

### **We know that we can break this cycle and make sure that no child is forced to miss out on the opportunities that a good education provides.**

In the coming months, the Government will be bringing out a revised version of the statutory guidance on exclusions for headteachers and governing bodies. This is a unique opportunity to help break the cycle of exclusions and exploitation and stop children falling further into the hands of their exploiters.

- We are asking parliamentarians from all parties who share our concerns to help raise this issue and ensure greater protections for victims of CCE are set out in the statutory guidance.

## How do school exclusions entrench child criminal exploitation?

*Javon is autistic. He lives with his mum and attends a mainstream secondary school. He generally enjoyed school although has experienced bullying from his peers at different times. He developed a keen intent to avoid conflict at all costs. On one day he was filmed by CCTV placing a small plastic bag in a bin on the school grounds. A staff member found it to contain marijuana. He was excluded that day.*

*The police were involved but took no action against Javon, writing that they were satisfied he was coerced into carrying the substance onto the school. Javon disclosed that an older boy had hassled him to take the drugs from him. This had gone on for some time and Javon just wanted it to stop. His exclusion puts him in limbo, without specialist support he needs. His parents fear him being placed at the pupil referral unit because children known to deal in drugs attend and his family are concerned he will become more involved.*

Javon's story is not unique. His experiences reflect what we see every week at Just for Kids Law through our legal casework and advocacy with children. They're also reflected in recent research from the Tackling Child Exploitation Support programme, which found significant limitations in how well exploitation is recognised in schools.<sup>2</sup> For more information, read our report detailing experiences of children for whom exclusion was a tipping point into exploitation at a moment when they could have been protected from harm.<sup>3</sup>

We find that too often the warning signs that a child is being exploited are not investigated or understood by teachers, headteachers or governors. Instead, these children are excluded from their school, education and support networks and pushed into the hands of exploiters. It's an experience that we see playing out across the education system. In England and Wales more than one in ten children associated with gang activity aged 10-15 have been excluded from school.<sup>4</sup>

**"When someone gets kicked out of school [they are] pushed right into the groomers' hands. There are people out there looking to make a fast buck off someone's child. If you're not in school, what else are you doing? You're going to be on the street with other people, other kids, that was my situation. When you push a child outside of school straight away someone's going to find him. The groomer is going to buy them new trainers and other [gifts]. But it all comes at a price. They buy you things, then you owe them." Stefan<sup>5</sup>**

From our work with children, we have seen first-hand how exclusions can entrench criminal exploitation:

- Exploiters will often engineer a young person's exclusion. This can include coercing victims to carry drugs or weapons into school or otherwise act in ways which will likely result in their exclusion.<sup>6</sup>
- Being on the streets and out of school altogether increases children's risk of exploitation as illustrated by Stefan's experience above. These risks multiply when the

child is already vulnerable to exploitation because, for example, they have additional needs which makes them easier to manipulate, or they have siblings or other family members who have become involved in criminal activity, or they live in an area where gangs are active.

- Children are more likely to be exposed to criminal exploitation outside of mainstream school. Many children tell us that their first exposure to criminal gangs took place in alternative provision after they had been excluded from mainstream school. While we know that many alternative provision schools are providing good support, it's still the case that exploiters target pupil referral units in the knowledge that many of the children who attend are particularly vulnerable and are typically supervised for fewer hours per week than those in mainstream education.<sup>7</sup> Ofsted's most recent annual report shared concerns from alternative provision providers that more children have been put at risk of criminal exploitation during the pandemic.<sup>8</sup>
- Exclusion can leave children mistrustful of potential sources of support. Being excluded often leaves children feeling rejected and unwanted by the education system. Exploiters often prey on these feelings and on the reluctance of those children to seek support from the professionals around them.

## What opportunity do we have to act right now?

When making decisions about excluding a child, headteachers and governing bodies are required to follow a process set out in statutory guidance.<sup>9</sup> In October 2021 the Minister for School Standards reaffirmed his Department's intention to bring forward a revised version of that guidance for consultation.<sup>10</sup> We are expecting to see this consultation in the coming months.

The current guidance makes no mention of child criminal exploitation and provides no support for headteachers to identify where exploitation might be a factor in a young person's behaviour. This is even though the Home Office has established clear and straightforward guidance on risk factors for child criminal exploitation.<sup>11</sup>

The guidance provides no legal safeguard from school exclusion linked to criminal exploitation. This means children can be forced to leave school for behaviour that directly resulted from their exploitation. In the criminal courts a child or young person has a defence in law against prosecution if they have been forced to commit criminal behaviour as a result of exploitation.<sup>12</sup> However, in education there is no equivalent. This means children can be excluded for behaviour directly resulting from their exploitation or trafficking, increasing their vulnerability, and potentially furthering their exploitation.

## What do we want to see changed?

We are asking the Department for Education to make simple changes to the exclusions statutory guidance so that it:

1. Prompts headteachers to consider whether a child at risk of exclusion may be showing risk factors for exploitation and to consider this as part of their decision.
2. Prompts governing bodies to consider whether a child has been a victim of criminal exploitation when reviewing a headteacher's decision to exclude.
3. References the Home Office's own guidance on spotting the risk factors for child criminal exploitation.

These changes would still leave headteachers with the decision about whether to exclude a child. However, they would also prompt schools to explore what might be happening in that child's life, to meet their own safeguarding duties, and to take steps to exhaust all other options before making the decision to exclude. This could help to break the cycle of exploitation by enabling a child to stay in an environment where they can be safe, and benefit from the opportunities that a good education provides for both them and wider society.

We are calling for changes to the statutory school exclusions guidance because we believe that keeping children in mainstream school wherever possible is a crucial part of any effective multi-agency approach to tackling CCE. We recognise that the guidance is one part of a wider story, and that schools also need to be given the right support to work with local agencies and do everything possible to safeguard and protect the children their care. We will continue to work in partnership with others to make the case for wider improvements to support and access to justice for children who are victims of child criminal exploitation.

## Next steps

- If you share our concerns and would like to work together to raise this issue, or if you would like to talk about this briefing in more detail, then please don't hesitate to get in touch with Ayaz Manji on [ayazmanji@justforkidslaw.org](mailto:ayazmanji@justforkidslaw.org) or 07597 583629
- If you have constituents in need of help or guidance around school exclusions your teams can get support from Just for Kids Law's [School Exclusions Hub](#), an online toolkit for advice and community organisations providing support to families facing exclusion across England and Wales.

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<sup>1</sup> HMIP (2018) [HM Chief Inspector of Prisons for England and Wales Annual Report 2017–18](#)

<sup>2</sup> TCE (2021) [Excluded or missing from education and child exploitation: literature review and stakeholder views on safeguarding practice](#)

<sup>3</sup> For more detail and examples, see: JfKL (2020) [Excluded, exploited, forgotten: Childhood criminal exploitation and school exclusions](#)

<sup>4</sup> ONS, [Crime Survey for England and Wales \(CSEW\) estimates of gang membership and knife carrying among 10 to 15 year old children, England and Wales: years ending March 2016 and March 2018](#)

<sup>5</sup> MyLondon (2021) ['Teachers told me I'd end up dead or in prison and it pushed me straight into the hands of groomers'](#)

<sup>6</sup> See for example: [APPG Knife Crime \(2019\)](#) and [Ofsted \(2019\)](#)

<sup>7</sup> Ibid

<sup>8</sup> Ofsted (2021) [Annual Report 2020/21](#)

<sup>9</sup> Department for Education (2012), [Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion](#)

<sup>10</sup> [HC Deb, 28 October 2021, c243WH](#)

<sup>11</sup> Home Office (2017), [Criminal exploitation of children and vulnerable adults: county lines](#)

<sup>12</sup> For more see: Home Office (2021), [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\)](#) and [Non-Statutory Guidance for Scotland and Northern Ireland](#)