

New Year ... same shocking situation – why can't we protect vulnerable children?

In *W360 Justice in Action*, students are encouraged to think about the concept of social justice (equal economic, political and social rights and opportunities) in our studies. This was firmly in mind in our research project – ‘the effects of the COVID-19 pandemic on the criminal justice system in England & Wales’ where our main focus was on vulnerable young people and how safeguarding had been hugely impacted.

We considered several elements including: the effect of lockdowns on education with school closures and online learning being a poor substitute especially for vulnerable children, and employment of children’s parents or guardians being drastically affected leading to tensions in the household.

Our primary concern was that during the pandemic due to the necessary work, social, and domestic changes safeguarding provision appears to have broken down. This has seen vastly reduced, or cessation of, social services visits to the homes of children either considered, or on the edge of, being at risk – the most vulnerable of our society. As the [NSPCC](#) highlighted in 2020, lockdown exacerbated this as vulnerable children were isolated in challenging family situations without their usual school and other support networks to help them. Surely this is then a major failing of our society?

In society today, the well-developed blame culture is ready to finger-point at parents, social services point to a lack of resources, and Local Authorities to Government ‘austerity’. Excuses regarding Covid-related impacts abound on the basis that society has not functioned as it should do for the last two years. However even the most critical reader would be likely to agree that there are long-standing structural problems, and that Covid-19 has perhaps just brought these to the fore. In amongst all of this willingness to blame others, where is social justice for our most vulnerable children, or are we bound to go round in endless circles without making substantive

progress on the essential issue of projecting vulnerable young people? If the lack of resources is really such a problem, local authorities or central government must provide ring-fenced funds for social services by raising taxes.

We also discussed what lessons have been learnt and actually applied. This was prompted by considering the tragic death of ‘little Arthur’ (where during the pandemic concerns were raised to Police and Social Services who visited and responded stating they “had no concerns” [Sky News report and analysis](#)) The judge’s sentencing remarks in *R v Emma Tustin, Thomas Hughes*¹ make for very difficult reading.

Following the convictions, in December 2021 the Government set up an [inquiry](#) to urgently inspect the safeguarding agencies in Solihull (to whom Arthur was known). The relevant inspectorates will determine what improvements are needed by the agencies that encountered him in the months before he died. In addition, an independent [national review](#) by the National Child Safeguarding Practice Review Panel will ‘identify the lessons that must be learnt from Arthur’s case for the benefit of other children elsewhere in England’.

However, the question that arises is why lessons were not learnt from previous tragedies going back to Victoria Climbié in 2000 where a [public inquiry](#)² was undertaken and changes made ‘to prevent the recurrence’ of the causes. Sadly these reviews seemingly come to similar conclusions, yet the abuse and further tragedies continue.

As existing avenues such as corporate manslaughter and negligence appear to be unutilised, perhaps there is a role to be considered for some form of ‘deterrent’ offence akin to Misconduct in Public Office³ that could apply to professionals who fail

¹ *R v Emma Tustin, Thomas Hughes* [2021] 12 WLUK 66

² Statutory public enquiry, Lord Laming – reported to Parliament 28 January 2003, and The Protection of Children in England: A Progress Report by Lord Laming reported to Parliament 12 March 2009

³ A common law offence triable on indictment – see *Attorney General's Reference No 3 of 2003* [2004] EWCA Crim 868

to take appropriate and timely action. Although it should be expected that the howls of anguish that would be heard from the professional organisations affected would be loud and vociferous. On the other hand, this level of accountability may adversely impact people who are thinking about becoming a social worker and leave a significant shortfall of social workers.

We as a society must respect social justice – children in very vulnerable situations are owed nothing less and should receive a great deal more in the 21st century. We can but hope that the outcomes of these latest reviews result in meaningful, and systemic change that is effective and long-lasting, and that children are actually protected. If not ...

We. Will. Have. Failed. Them. Yet. Again.

Iain Service

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