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Articles

Findings from serious case reviews during the period 1987–2018: a personal and conceptual reflection Part II

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Professor Holt has practised as a Social Worker and Children's Guardian for over 20 years, in the North West of England. Kim was appointed as Head of Department at the University of Bradford in 2004, before moving to Northumbria University in 2013, as Head of Department for Social Work, Education and Community Wellbeing. Kim was called to the Bar in 2005, and she continues a career in Child Protection and Family Law that spans over 35 years.

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Professor Kelly is an applied social psychologist with experience of undertaking research with organisations and groups in order to better understand judgement and decision making processes. Her work considers peoples lived experiences of policy initiatives. Professor Holt and Professor Kelly have published extensively in the area of Family Law and Professional Practice.

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Drawing upon personal reflections and analysis, interviews with professionals and existing literature Part I (in the April issue of *Family Law* at [2021] Fam Law 543) and II of this article highlight key themes that emerge from an analysis of over 200 serious case reviews ('SCRs') during the period 1987–2018. Together with access to reports held in the repository (NSPCC, 2017) and the most recent Triennial Analysis of SCRs (M Brandon, P Sidebotham, P Belderson, H Cleaver, J Dickens, J Garstang, J Harris, P Sorenson and R Wate *Complexity and challenge: a triennial analysis of SCRs*

2014–2017 Final Report, 2020), , we explore different conceptual ideas that may elicit a greater understanding, as to how and why the same themes continue to be rehearsed in the majority of reports involving serious injury or death of a child.

Part I focused on the origins of SCRs, and explored the similarity in recommendations of the most recent triennial review, dating back to the first inquiry into a child death (Dennis O' Neill) before moving onto the political nature of certain reviews that have received significant public commentary. Part II explores some conceptual themes that may inform learning lessons.

SCRs are subject to public scrutiny both in terms of accountability and of learning, to help us to avoid repeat tragedies (M Blyth, *Moving on from Munro: Improving children's services*, Bristol: Policy Press, 2014).

The executive summaries, interviews with professionals, and field notes from learning lessons events in 200 cases in various sites throughout the North of England over a 30-year period informed the primary data for this paper. Alongside this, documentation held in the repository of executive summaries published in 2016/17 (NSPCC, 2017) was drawn upon.

We identify five key themes rehearsed in this documentation comprising risk/uncertainty, value base, gender/parents, agency and communication. What follows is a descriptive and theoretical consideration of those themes and commentary on the impact on learning lessons.

Risk/uncertainty

In this consideration the notion of societal ambivalence about the nature of state intervention in family life providing uncertainty for both professionals and authors of SCRs is reinforced. Debates in documents and observations centred on the respective rights of children and their families provide testimony to this. Professionals remain confused about a changing political landscape with intensifying public sector cuts, increased regulation and prescriptive approaches to working with families. The impact for practitioners remains to attempt to reduce risk, as Featherstone suggests, by feeding the 'risk monster' with more information (B Featherstone, A Gupta, K Morris and J Warner 'Let's stop feeding the risk monster: Towards a social model of "child protection" *Families, Relationships and Societies*, 7, 1, p 7-22 16, 2018). It is the migration of information from one system to another, from one document to another, which has become the end in itself.

These arguments are well rehearsed in *The Munro Review of Child Protection* (Part One: A Systems Analysis, 2010), and the second report, *The Munro Review of Child Protection* (2011), but this analysis suggests that this remains a significant issue. A range of professionals have less opportunity, capacity, or capability to critically analyse and reflect upon the information that is required in order to assess risk, as these skills are becoming lost by generations of professionals who have never had the opportunity to develop them away from their highly regulated working environments. Munro (2019) makes a distinction between risk and uncertainty. Drawing on Power (*The Audit Society: Rituals of Verification*, Oxford University Press, 1997).

She makes the point that dealing with inevitable uncertainty in child abuse investigation has become but should not be solely about risk management. Whilst acknowledging that risk management allows for the introduction of theory from different disciplines in order to inform judgement and decision making, Munro suggests that it also individualises investigations so that when things go wrong professionals are left open to blame.

Within this context, a complex and insidious form of abuse was emerging in the form of child sexual exploitation. This came to the fore with the report from Professor Alexis Jay of the sexual exploitation of children in Rotherham (A Jay *Independent inquiry CSE in Rotherham 1997-2013*. Rotherham Borough Council, 2014, www.rotherhamle/1407/independent/inquiry/cse-in-rotherham).

Whilst child sexual exploitation is not a new phenomenon, both the scale of abuse and the failings across all agencies working with children provoked intense public and political scrutiny. The Jay report revealed the hidden scale of the problem that rapidly became a feature of towns and cities throughout the UK, with international relevance, but also a particular pattern of abuse involving predominantly white British young women as victims and Asian heritage men as perpetrators, often operating in sophisticated gangs.

The author has witnessed an unprecedented rise in the number of reported cases of child sexual exploitation, chairing and authoring three Learning Lessons Events in 2018. These cases highlight professional reluctance to challenge a culture of aggressive male sexual behaviour and negative stereotyping of young women (The Office of the Children's Commissioner, 2012), suggesting that lessons have not been learned from the Jay inquiry.

A hugely influential argument is that the thinking of child protection professionals is governed by a 'rule of optimism', which 'is where a positive stance is taken of a child's circumstances or level of risk, which is not necessarily supported by the objective evidence or information available' (Coventry LCSB, 2017, p 43). The meaning of the rule of optimism and how it is used in such reports is disputed but the version of it that holds sway is that social workers avoid 'robust challenge' of parents by emphasising their strengths, and resist enquiring more deeply into children's experiences due to naïve hope.

Whilst social workers need to highlight the positive aspects of individuals and the family, as well as identifying areas for improvement, adopting the rule of optimism is something quite different. The rule of optimism is in many ways similar to 'fixed thinking' (N Kelly 'Decision making processes in child death inquiries' *Journal of Child Centered Practice* Vol 7, pp 171–196, 2000).

It is the inability to step back and reflect on the information/evidence available and to be clear about risk. This may also result from professionals who have so many competing challenges to face in terms of the nature of their work, and too much to achieve in terms of the demands of both overwhelmed families and overstretched organisations. Professionals, who are overwhelmed, not just by the volume of work but also by its nature, may not be able to do even simple things well.

Fixed thinking prevents understanding of a child's changing circumstances. It is interesting to read documents where professionals have met regularly over a significant period of time at conferences and core group meetings. During this period, notwithstanding multiple setbacks and new information/evidence which significantly increases the risk to the child, professionals hold on to the original plan:

'One of the most common, problematic tendencies in human cognition ... is our failure to review judgments and plans – once we have formed a view on what is going on, we often fail to notice or to dismiss evidence that challenges that picture.' (Fish et al, 2008:9).

- There is clear evidence of the start-again syndrome with parents given a fresh opportunity to start again with the plan even where the plan is clearly not working and not in the child's best interests. The original decision is supported and reinforced by the group of professionals who originally agreed the plan. Commentators (see for example Kelly, N, (2000) Decision making processes in child death inquiries. *Journal of Child Centred Practice*. Vol 7, p171-196).

) refer to this as group think. Group think is both powerful and pervasive and must be recognised by professionals who are working together with complex families.

Fixed thinking and group think often reflect an over-focusing on descriptive material and a lack of analysis of the situation as a whole (P Sidebotham 'What do serious case reviews achieve?' *Archives of Disease in Childhood*, Vol 97 , No 3, pp 189–192, 2012).

Value base

If we probe the reluctance of a range of professionals to challenge the negative stereotypes of young women in child sexual exploitation, findings from research and learning lessons events highlight the interconnectedness between practitioner understanding, assumptions and practice. Adherence to a child protection rather than a family support narrative influences practitioner narratives and practice (N Parton *The politics of child protection: contemporary developments and future directions*, Palgrave, Basingstoke, 2014). Information obtained from serious case reviews in this analysis and other research findings (for example see S Vincent *Preventing Child Deaths: Learning from review* Dunedin Academic Publishing, 2012; and S Vincent and A Petch *Audit and analysis of initial and significant case reviews*, Scottish Executive, 2012) reveal that professionals who maintained a value base and assumption that families, provided they received appropriate support, had the capacity to change, were more likely to interpret children and their parents in terms of human capital (J Boyden and S Dercon *Child Development and Economic Development: Lessons and Future Challenges*, 2012, www.younglives.org.uk) and this was the premise that underpinned protection plans for all children, regardless of their class or economic status. However, if professionals perceived children and their families in terms of a deficit model, there was a focus on achieving and adhering to organisational goals that were demonstrated by professionals effectively ‘ticking the box’ (N Marwell and T Calabrese ‘A Deficit Model of Collaborative Governance: Government–Nonprofit Fiscal Relations in the Provision of Child Welfare Services’ *Journal of Public Administration Research and Theory*, Volume 25, Issue 4, pp 1031–1058, 2015).

Professionals who internalised neoliberal ideologies and narratives, highlighted reinforcement and compliance with legislative, policy and organisational changes to justify and support their position (Featherstone et al, 2018). Professionals whose beliefs aligned with a value-based approach were however less likely to reinforce compliance with targets and timeframes and were more confident in working with families and being prepared to take risks (C Baldwin *Narrative Social Work: Theory and Application*, Bristol: Policy Press, 2013).

In this context, children can and often do remain largely invisible, and children and their families who are hard to reach remain most at risk. Societal perceptions of children who are in need of a child protection plan portray a stereotype of the neglected young child living in fear of their parents who are unable to meet their needs or who deliberately harm them (E Hanson and D Holmes *Difficult Age: Developing a more effective response to risks in adolescence*, 2014, www.rip.org.uk/resources/publications/evidence-scopes/evidence-scope-that-difficult-age-developing-a-more-effective-response-to-risks-in-adolescence; *On Measuring the Number of Vulnerable Children in England* Office of the Children’s Commissioner, 2017; B Daniel ‘Concepts of adversity, risk, vulnerability and resilience: A discussion in the context of the “Child Protection System”’, *Social Policy and Society*, 9 (2) 231–241, 2010).

Older girls present a quite different image – polar opposites are often juxtaposed against each other to highlight those in need of protection due to their age and vulnerability, and older girls where the focus has been on behaviour, which is viewed as unacceptable, and therefore young girls who have been sexually exploited, have not been afforded the same level of protection (Jay, 2014). In this reflection, mental illness, alcohol and substance misuse, criminal activity and domestic abuse, are features in every recent case of child sexual exploitation, together with a significant age disparity between the young girls and their partners, and yet in every single case, the same pattern emerges that the focus is on the problematic behaviour of the young girl, without any real probing of the circumstances. Whilst there is information detailing the characteristics of the young girl, there is in every single case a dearth of information relating to the men involved. It is a concern to the author that in a significant number of recent cases there is evidence of unplanned pregnancies, an absence of appropriate pre-birth assessments, with the children of vulnerable young girls left carrying the risk,

whilst professionals decide what, if any, action to take (*Working with Children who are Victims or at Risk of Sexual Exploitation: Barnardo's model of practice* Barnardo's, 2017, www.barnardos.org.uk/cse_barnardo_s_model_of_practice.pdf; S Brown, G Brady, A Franklin, and R Crookes *Exploratory study on the use of tools and checklists to assess risk of child sexual exploitation* Centre of Expertise on Child Sexual Abuse, 2017).

Children who are born as a result of child sexual exploitation are incredibly vulnerable and often invisible as professionals focus, albeit rather late, on the circumstances of the mother, who is relied upon to provide often rather scant information on the father of the child.

Ferguson (H Ferguson 'How Children Become Invisible in Child Protection Work: Findings from Research into Day-to-Day Social Work Practice' *The British Journal of Social Work*, Volume 47, Issue 4, pp 1007–1023, 2017) talks about the emotional intensity of child protection practice, and although professionals may see the child, the organisational culture and pressures of the job prevent them from being child-focused.

Gender/parents

As consistent with much previous research, there is a consistent lack of information about fathers or male figures in assessments. Fathers are most visible in the child protection system when they are implicated in the suspected abuse, but it is interesting to note that in three recent reviews chaired by the author, where fathers were pivotal in respect of the abuse, significant details about the men involved were absent, and either the mother or the child had supplied the information that was available for the review. Evidence here continues to suggest that we place an overreliance upon women to provide information about men, and when the information is not forthcoming blame is apportioned to the women involved, rather than reflecting on the complexities involved in these relationships. Featherstone et al, (2018), suggest a need for change in the approach to fathers in the child protection system and this analysis strongly supports this. Perceptions of men as troublesome in the context of child protection are a prevailing feature; their absence, for example, is usually interpreted negatively rather than examined in the context of how professionals may positively target women and ignore men. Assessments should always involve and include men and consider how fathers can play an important role in the lives of children. In respect of men who are regarded as troublesome, there is a need to examine how organizations respond to men who present a risk but who may be hard to reach (C Reissman and L Quinney 'Narrative in social work: A critical review' 4(4) *Qualitative Social Work* 391–412, 2005).

Agency

Located within an increasingly digitized landscape where certainty, accuracy and meeting performance targets have become an end in itself there appears to be no room for professional uncertainty and the agency required to deal with judgement and decision making in those circumstances. Lord Laming in the Climbié inquiry advocated the use of respectful uncertainty 'the concept of "respectful uncertainty" should lie at the heart of the relationship between the social worker and the family. It does not require social workers constantly to interrogate their clients, but it does involve the critical evaluation of information that they are given'. Professionals should maintain 'a healthy scepticism, an open mind and, where necessary, an investigative approach' to child protection work (paragraph 14.78). This 'healthy scepticism' should lead to professionals asking effective questions and looking beyond the obvious (Laming, 2003).

Furthermore, professional inquisitiveness, which is pivotal in good child protection practice, requires an ability to explore and understand the lived experiences for the child and their family, rather than accepting information at face value, which is more readily populated into a system that is primarily

audit focused (F Earle, J Fox, C Webb and S Bowyer *Reflective Supervision: Resource Pack* Research in Practice, 2017).

The ability to retain an open mind, recognising that assessments of the child and their family are a process rather than an event, and they will inevitably change, does not readily fit within the systems that have been introduced to monitor performance.

Practitioners require the skills to develop collaborative working relationships with colleagues from other agencies when perspectives and priorities differ, and a challenge of the professional perspective or activity may be required (*Real Voices: Child sexual exploitation in Greater Manchester*, an independent report by Ann Coffey MP, 2014).

There are times when professional inter-agency challenges need to be supported by clear procedures to address them. Successful interagency collaborative working is underpinned by structures such as child protection conferences and other inter-agency forums. It is essential that practitioners be provided with the opportunities and tools necessary to contribute effectively. Procedures and guidance with respect to arrangements, including timescales, for convening child protection conferences and other inter-agency meetings must be followed if they are to be effective in safeguarding children. In order to broker more effective inter-agency working relationships there are times when it is essential that there is a multi-agency forum in which practitioners from a range of agencies can explore their perspectives and challenges in their work with families (*Project Phoenix Handbook: Multi-agency guidance for delivering effective strategies to tackling child sexual exploitation in Greater Manchester*. Manchester Project Phoenix, 2014 www.itsnotokay.co.uk/downloads/professionalresources/project-phoenix-handbook-v2.pdf).

It is a travesty that this often only occurs when the author is facilitating a learning lessons event for practitioners when a child has been seriously harmed or has died and there are lessons to be learned by a number of agencies involved with the family.

Communication

In this analysis, as in all other evaluations of public inquiries and SCRs poor communication within and between agencies features at some level in every case. In some agencies, there is poor communication between colleagues working in close physical proximity – this problem has increased with the use of digital technology that often replaces conversations and office talk (K Broadhurst, D Wastell, S White, C Hall, S Peckover, K Thompson, A Pothouse and D Davey ‘Performing “initial assessment”: Identifying the latent conditions for error at the front-door of local authority children’s services’, *British Journal of Social Work*, 40(2), pp. 352 – 70, 2010).

The culture of the office has changed with qualified social workers relying heavily on text and email communication rather than face-to-face communication (K Broadhurst and C Mason 2014, ‘Social work beyond the VDU: Foregrounding co-presence in situated practice –Why face-to-face practice matters’, *British Journal of Social Work*, 44(3), pp. 578 – 95, 2014).

Management supervision is largely about checking that the correct data has been recorded and timescales met, which has become commonplace in formatted data surveillance documents, rather than focusing on a deep analysis of the descriptive material. It is essential that practitioners be supported by skilled supervision that supports them in the challenging task of working with complex families. When working with complex and challenging families, especially when resources are limited, and professionals feel pressured, it is essential that practitioners have access to skilled supervision to support challenge, reflection and professional development, but also to provide emotional support and opportunities for personal development. It is particularly important when practitioners feel overwhelmed and lack confidence, especially when this leads to a failure to take key decisions. Supervisors need to help practitioners have a sense of direction to keep them on track,

especially giving thought to whether the current approach is working and to maintain a clear record of decision-making (Laming, 2003: Recommendation 45).

Learning from conceptual approaches

Heuristics

‘In the absence of the conditions required for skilled intuition, rapid judgements can be made intuitively through the use of heuristics – mental shortcuts or rules of thumb. Heuristics are simple rules that work well under many circumstances and can produce very accurate intuitions. They can, however, also lead to systematic errors in judgement’ (E Kirkman and K Melrose *Clinical Judgement and Decision-Making in Children’s Social Work: An analysis of the ‘front door’ system* DfE, p 22, 2014).

Heuristics include availability and representativeness and are concerned with the extent to which our memory of particular events can skew current decision making. Stereotypes can also be considered to be heuristic devices in that the use of stereotypes creates shortcuts to the analysis of all relevant information. Consequences of heuristic thinking includes the hindsight bias, a salience effect, confirmation biases, self-serving biases, actor observer effects and group serving biases, and these have been demonstrated in child protection work (D Kahneman, P Slovic and A Tversky *Judgements under uncertainty: Heuristics and biases* Cambridge University Press, 1990; E Munro ‘Avoidable and Unavoidable Mistakes in Child Protection Work’ *British Journal of Social Work*, 26, 793-808, 1996; E Munro ‘Common Errors of Reasoning in Child Protection Work’ *Child Abuse and Neglect* 23 (8) pp 745–758, 1999; Munro, 2019)

Located within a contemporary social work culture, where practice is increasingly remote, these mental shortcuts or rules of thumb are able to flourish without effective challenge. This is evident in this reflection, for example whilst themes remain consistent throughout, the nature of the referrals change. During the last three years all the reviews undertaken by the author involved child sexual exploitation, and the learning events held with a range of practitioners from all key agencies involved in these cases have been designed to raise awareness of this area of practice. Considering the work of A Tversky and D Kahneman (‘Availability: A heuristic for judging frequency and probability. *Cognitive Psychology*, 5, 207–232, 1973), practitioners involved in situations that generate an emotional response, are more likely to recall these events in the future. This is connected to the salience bias, where information that is salient, available or vivid tend to have more impact than information which is not. The media exposure to child sexual exploitation at both a local and national level, with a number of Asian men convicted of exploiting young women has created a perception amongst practitioners that these are factors in child sexual exploitation, without objective data in support. It also limits the opportunity to explore other risk factors in child sexual exploitation, or safeguarding more generally (S Lichtenstein, P Slovic, B Fischhoff, M Layman and B Combs ‘Judged frequency of lethal events’ *Journal of Experimental Psychology: Human Learning and Memory*, 4, 551–578, 1978).

Research findings show that new referrals are evaluated in the context of those previously referred, both in terms of factors and seriousness, which serves to rehearse that a particular form of abuse has certain characteristics (DH Wedell, A Parducci and M Lane ‘Reducing the dependence of clinical judgement on the immediate context: Effects of number of categories and types of anchors’ *Journal of Personality and Social Psychology*, 58, 319–329, 1990).

Othering

Professionals tasked with safeguarding children are required to make decisions about risk in short

timeframes. It is important that we elicit an understanding of the psychological processes whereby professionals continue to view or hold onto perceptions of their own practice as good, compared with the practice of other professionals, particularly when tragedies occur. The author suggests that we consider how 'Othering or Positioning Theory' could provide a useful theoretical perspective which has to date not been used to develop an understanding that may be helpful for professionals and academics working in this area (A Ben-Ari and R Strier 'Rethinking Cultural Competence: What Can We Learn from Levinas?' *British Journal of Social Work*, no. 40/7, pp. 2155–2167, 2010).

De Beauvoir's (1949) notion of 'the other' considered by Canales (MK Canales 'Othering: Toward an understanding of difference' *Advances in Nursing Science*, 22, 16-31, 2010) may have become embedded in areas of inquiry and may provide a theoretical understanding in a critical discourse that attempts to understand 'otherness' in the context of practice that is quite distinct from the way that as a professional you may define your own practice (Cole, 2004: 578).

M Crang, (*Cultural Geography*, Routledge, 1998), describes othering as 'a process ... through which identities are established in an unequal relationship'. 'Othering' within the context of serious case reviews could be the construction of the self through the belief that the self-engages in desirable practice that is quite distinct from the 'other' group who adopt practice which is undesirable. In this context the self has formed a view that the practice that is undesirable does not relate to them, as they perceive themselves in some way different and superior (Schwalbe et al 'Generic processes in the reproduction of inequality: An interactionist analysis' *Social Forces*, 79(2), 419–453, 2000).

This may result in a disassociation and distancing from the 'other'. The 'other' in this context is seen as significantly different as to justify exclusion, but this remains incredibly powerful as it is not articulated by the self, and is therefore held implicitly.

In the context of child protection, the individual lived experiences of practitioners are peppered with disputes, blame and conflict, and 'othering' may hold out the promise of a deeper understanding of the storied nature of these experiences.

The dispute over storylines in respect of serious case reviews is open ended, which makes it particularly appropriate for analysis through positioning theory. If we consider the different discourses around deflection, whether this is in relation to the perpetrators of abuse, behaviour of children, or the responsibility away from the agencies and organisations responsible for protecting children, these ideas involve distancing in some way. Agencies and organisations may perceive insufficient resources, combined with an increased demand on services, as a consequence of the actions of groups of perpetrators (Jay, 2014) who they seek to blame, and thereby view the organisation/agency as the victim, with the responsibility for safeguarding placed primarily with children and their families within the private sphere of the family, and with agencies/organisations who have consistently failed to respond to local issues in relation to perpetrators (M Harthill 'Concealment of Child Sexual Abuse in Sports' *Quest*, 65 (2), pp 241–25, 2013).

In respect of some of the high-profile cases that have attracted global media attention, there has been almost an exclusive focus on the actions of individuals and groups who are responsible for perpetrating abuse, rather than examining the structural and institutional context in which they were able to operate (Jay, 2014). The structural context in respect of safeguarding children is significant; successive Governments have introduced legislation and procedural imperatives that can be seen as othering social work as a profession, and as a one of the lead organisations responsible for safeguarding children, this is significant.

The Children and Social Work Act 2017 provides a legislative mandate for the state regulation of social work as a profession, and the Ofsted effect on children's social care, can be seen as examples of how those who hold power have removed the ability of social work as a profession to provide effective challenge.

Discussion

It is a timely now to reflect, given the changes introduced in 2018, with the amendments to the Children and Social Work Act 2015, and the Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018, that aim to centralise serious case reviews, and replace local safeguarding boards with child safeguarding practice reviews, to identify improvements to be made to safeguard and promote the welfare of children.

The responsibility for how the system learns lessons from serious child safeguarding incidents now lies at a national level with the Child Safeguarding Practice Review Panel and at a local level with the safeguarding partners. The Safeguarding Practice Review Panel is responsible for identifying and overseeing the review of serious child safeguarding cases, which in its view, raise issues that are complex or of national importance. The Panel will also maintain oversight of the system of national and local reviews to consider how effectively it is operating (DfE, 2018:83).

Notwithstanding these changes, the author is not persuaded that by introducing further quality assurance measures will provide an effective solution to what is essentially a complex and multifaceted area of practice that is influenced by structural and strategic contexts that require further exploration and understanding of the lived experiences of practitioners.

Despite many evaluations of public inquiries and SCRs this paper argues that the issues that arise remain the same; that is cases of death or serious harm to children continue to highlight system failures, poor judgement and decision making, lack of resources and inadequate interagency work.

The latest review of SCRs provides alternative structures for practice, and highlights two 'new' themes emerging from the 6th review: the complex and cumulative nature of neglect often in a context of poverty, and the new and emerging threats of harm to adolescents.

The author purports that alternative systems in themselves will not change the findings of SCRs unless they can encompass learning from theoretical work in judgement and decision making at individual, group, organisational and political levels, and this to date has not occurred. The work of Munro (1999, 2019) provides an overview of some of the relevant work and provides a set of principles (2019) by which a 'just and learning culture' might be realised. Whilst this is only one approach, it will be worth considering how this information can be used in practice.