

THE SOUTHPORT INQUIRY

PHASE 1 OPENING SUBMISSIONS OF SEFTON COUNCIL

1. In these Opening Submissions we shall refer to Sefton Council as “Sefton”.

Introduction

2. The commission by the perpetrator of these unspeakable crimes has rightly caused revulsion across the entire country. The thoughts of all at Sefton and within the borough of Sefton will continue to be with the families of Alice, Elsie Dot and Bebe, with the other victims of this attack and with all those involved in the tragic events of July 29th, 2024.
3. Sefton and its residents remain deeply shocked and saddened at those events.
4. Sefton and other groups acted quickly to support the victims, families and the community. Its social care and community teams helped people emotionally and supported groups and individuals who raised an incredible amount of money for those who needed it.
5. The whole borough has come together in so many ways. It remains undeniably united in its shared goal of doing everything it can to help those affected.
6. Sefton, along with partners, have led on specialist recovery operations which focus on, among other things, helping children and families heal and creating safer and more united communities.
7. Sefton coordinated, and will continue to coordinate, the support to anyone affected by the tragedy. It has also highlighted the means by which anyone affected can access psychological support for any need which they have.
8. The events of 29 July 2024 were unprecedented for Southport and unlike anything the community has ever had to witness. The world’s media outlets descended on Southport and the town will be remembered for those tragic events for a long time to come. Only time will tell what the full impact of the events of that day will have had on the

community of Southport. There will be difficult days ahead while the community tries to recover.

9. Looking forward, the families of Alice, Elsie Dot and Bebe and all those affected by the perpetrator's crimes will remain at the heart of what Sefton do to support and enable children and families to heal.

This Inquiry

10. Sefton welcome this Inquiry. It is of critical importance that all understand the events that led to this tragedy. Sefton hope that this will help as part of the healing process for all affected, for the community and that all lessons which can be learned are learned.
11. In order to play its part as fully as possible in the Inquiry, Sefton actively sought and were granted core participant status.
12. In its engagement with the Inquiry, Sefton recognises and will fully comply with the duty of candour expected of all corporate and institutional core participants.
13. Its approach is both inward looking – what did Sefton do or not do? It is also outward looking – how did it interact with other agencies? In both respects, Sefton will ask, critically, what else, if anything, could or should have been done by it that might affected the outcome.
14. It will look to take forward any learning that results from the findings of Phase 1 of the Inquiry.

The applicable statutory framework

15. Pursuant to Section 17(1) of the Children Act 1989,
 - “It should be the general duty of every local authority...
 - (a) To safeguard and promote the welfare of children within their area who are in need and
 - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families.”

16. For these purposes, “area” is defined primarily to mean the local authority district within which the child is physically present. In the case of the perpetrator this meant Lancashire County Council.
17. Pursuant to the Education Act 1996 Sections 8(2)-(6), a child is of compulsory school age on the start date of term following their fifth birthday until the last Friday in June of the school year when a child turns 16. Local authorities are responsible for attendance of children of compulsory school age who reside in their area.
18. While the child is of compulsory school age, Sefton’s policy, pursuant to obligations under the Education Act is to perform functions related to school attendance, such as issuing fines for unauthorised absences, prosecuting parents of children, applying for Education Supervision Orders and obtaining school attendance orders under Section 437 (3) Education Act 1996. This is if Sefton is not satisfied that the parents are providing a suitable education to a child of compulsory school age and it is appropriate for the child to attend school.
19. Where there is a need for a child to attend special educational arrangements such as a Pupil Referral Unit, Sefton will make arrangements for a child of compulsory school age who resides within their local authority to be provided with a suitable educational arrangement subject to their need.
20. This legislation applies to any child of compulsory school age. Upon the child ceasing to be compulsory school age, the legislation and Council’s procedures no longer apply. If the child resides in Sefton’s borough, Sefton will continue to provide safeguarding support through children and social care duties. However, in cases where the child resides in a home local authority different from the borough where they attend education, this duty remains with the home local authority. In such circumstances, the home local authority should provide any educational support as part of safeguarding duties upon the child transitioning into post compulsory school age education.
21. Where a child of compulsory school age has a home local authority that differs from Sefton and attends a school located in Sefton’s borough, Sefton’s standard practice is that it will perform the educational duties as if the child did reside in Sefton’s borough. However, in such circumstances, it is not Sefton’s duty or responsibility to take over the

children/social care or safeguarding functions for the child. This would be retained by the child's home local authority.

22. If the child is of compulsory school age and referred to the children social care department of their home local authority, it is Sefton's policy to provide assistance to the home local authority for school attendance only. If a concern is received into Sefton's education team about the child's welfare from the school, its standard procedure is to advise the school to contact children's social care of the home local authority. If the concern is raised directly to the Sefton team they will contact the children's social care of the home local authority, or if a report requires more immediate intervention, contact the police to conduct a welfare check.
23. Any safeguarding concerns for children who reside in Sefton are reported through a process known as the integrated front door. This describes a service provided by two teams; Sefton Children's Help and Advice Team (CHAT) social care and Sefton Family Advice and Support Team (FAST) early help. For children who attend school within Sefton's borough but reside in other local authorities the school will be expected to follow the home local authority procedures as it is the home local authority who provide the support services including Children's Social Care, Early Help and Youth Justice Services.

AR

24. From 2017 onwards AR resided in the Banks area of Lancashire, which forms part of Lancashire County Council's jurisdiction. As a result, Lancashire County Council had duties under the Children Act 1989 while he remained a child. They also had the primary statutory responsibility for ensuring AR received a suitable education. In 2017 AR's parents used parental preference to choose a school in Sefton namely, Range High School in Formby.
25. As Sefton was the local authority in which AR attended school, Sefton had a number of responsibilities when it came to AR's education while he was a child of compulsory school age. This included monitoring educational standards, providing training to Designated Safeguarding Leads (DSLs) within the borough and supporting schools in managing the exclusions process. Also, ensuring attendance of children is tightly monitored. As the local authority in which AR attended school Sefton has a statutory responsibility for addressing non-attendance at schools within its borough. This can

include the issuance of educational penalty notices and prosecutions of parents under Section 444 of the Education Act 1996, even if the child resided in another borough as was the case with AR.

26. Regulation for enforcement of attendance at compulsory school age lies with the local authority where the school is based. However, if an employee of Sefton has any child protection concerns in dealing directly with a child or family, they would refer directly to the home local authority. If concerns arise in a school, the school will also refer directly to the home local authority. All safeguarding and support services are provided by the local authority where that child resides.
27. As the support services were provided and managed by Lancashire County Council, they held responsibility for coordinating and delivering these services. Sefton were not involved in delivering any support services. As such, Sefton would not have undertaken any risk assessments. Any interventions in relation to PREVENT would be managed by the home local authority. AR's diagnosis of autism was made prior to him starting at Presfield School, this would have involved the former school he attended, health services, and Lancashire County Council.

Sefton's involvement with AR

28. Sefton's awareness of AR prior to the incident related to his time attending schools within Sefton's borough. Sefton were aware of AR through school admissions as he attended primary schools in the Sefton area and he attended Range High School in Formby up until year 9. Sefton were notified by Range High School when AR was permanently excluded over an incident which related to his having a knife in his possession for a prolonged period whilst attending the school. AR was permanently excluded from Range High School on 9 October 2019. The exclusion letter was sent to Lancashire County Council, and a copy was sent to Sefton.
29. At the time of exclusion (and now) Range High School is an academy. In relation to academy schools the statutory guidance on exclusion states parents may request that the local authority, where the school is based, and/or the home local authority to attend a meeting of an academy's governing board as an observer; that representative may only make representations with the governing board's consent. AR's parents did not request Sefton to attend the Governors meeting.

30. The Governors at Range High School upheld the Headteacher's decision to exclude AR based on a two- part test for exclusions with both parts being met. The test to be applied is: has there been a serious breach or persistent breach of the behaviour policy established on a balance of probabilities and does the Headteacher believe that allowing the pupil to remain in school would seriously harm the education or welfare of others? The Governors would have had to be satisfied there was a proper evidential basis for this assessment.
31. Following the Governors' meeting that upheld the head teacher's decision, AR's parents would have been provided in writing with the outcome of the Governors hearing and given the opportunity to apply for an Independent Review Panel, which in Sefton is set up by Sefton, even for Academy schools. AR's parents did not apply for an Independent Review Panel.
32. As AR resided in Lancashire County Council, that Council was responsible for arranging suitable education no later than the sixth school day after his permanent exclusion. Subsequently AR attended a Pupil Referral Unit (PRU) within the Lancashire area until 28 March 2022. He was then officially enrolled at Presfield School and Specialist College in Southport which also sits within the borough of Sefton. The place applied for was a sixth form place from September 2022. However, it was agreed by the School and Lancashire County Council he could start earlier with an enhanced transition.
33. AR's attendance during his time at Presfield School was, extremely poor. However, it must be noted AR was subject to a Education, Health and Care Plan ("EHCP") which was maintained by Lancashire County Council and was subject to an enhanced transition plan during his enrolment in year 11 on 28 March 2022.
34. During his enhanced transition he was not known to Sefton's school attendance team. As AR was subject to a EHCP at the time and there was involvement from Lancashire County Council's support services, Sefton did not pursue any legal proceedings or enforcement action for non-attendance against AR's parents. While at Presfield, AR was of compulsory school age for only 13 weeks and 3 of those weeks were school holidays.

35. During this time, he was on a bespoke timetable as part of the enhanced transition to encourage him to attend school. He was being supported by health services due to his anxiety. The School during this period referred to Early Help in Lancashire which is what should happen before they request any formal support from Sefton. In such situations it would not have been appropriate during this period for Sefton to initiate any legal proceedings for non-attendance.
36. Once a child is above compulsory school age the legal duty, under Section 444 of the Education Act 1996, no longer applies and Sefton could not pursue any form of enforcement proceedings against AR's parents for non-attendance.
37. Sefton received two requests for assistance from the DSL at Presfield School, Cheryl Smith and from her deputy Jeanette Bannister.
38. Firstly, on the 2 February 2023 a request for support from Sefton's school attendance team, which was provided and secondly a request on the 20 March 2023 that a welfare visit be undertaken.
39. On 20 March 2023, the DSL phoned Michelle Woodward, who works within Sefton's attendance team, and requested a welfare visit stating they had concerns surrounding AR's attendance and the fact he had not been seen in person. Joe Farrell, who is the team manager of the Sefton attendance team, agreed for a member of the team to complete a welfare home visit. Angela Maguire from the Sefton attendance team visited AR's home. Upon Angela attending the property, AR's mother made a complaint that she did not feel the welfare visit was warranted and refused for AR to be seen. Following the visit, Joe Farrell contacted Presfield by email with feedback of the visit and suggested the School contact Lancashire police to complete a welfare check and inform Lancashire Missing Team and Lancashire SEN as this issue related to his EHCP for which they had conduct.
40. At the time of both instances AR was no longer of compulsory school age. Therefore, Sefton was under no duty to provide attendance support nor carry out a welfare visit at AR's address. In acting as it did, Sefton's school attendance team went beyond their statutory duties in order to try and provide assistance to both AR and the School. This was to assist Presfield School to find strategies/ways to seek to encourage AR's attendance.

41. AR was only referred to Sefton’s attendance team on two occasions, therefore a decision was made not to intervene beyond this point, given he was beyond compulsory school age. Following the visit on 20 March 2023 there were no further instances in which Sefton directly interacted with AR’s family from an educational school attendance standpoint prior to the incident.
42. Sefton MASH had received a referral in respect of AR on the 8 October 2019. The referral was made by the Range High School Police officer. The officer was redirected by Sefton MASH to make a referral to Lancashire Childrens Services as AR resided in Lancashire. No further action was taken by Sefton MASH. Outside of this single referral, Sefton’s children and social care team had no further interaction with AR until the day of the events which took place.

Present Reflections on Sefton’s actions

43. The advice given by Sefton MASH and referred to at paragraph 41 herein was correct for the reasons it gave.
44. On 20 March 2023, Sefton’s advice to the school to contact Lancashire County Council was correct as AR’s EHCP was maintained by Lancashire County Council and the support services are provided by the home local authority in which AR resided.
45. The majority of the time AR was enrolled at Presfield School he was above the compulsory school age. As a result, Sefton did not have the legal power to enforce his attendance. AR was a post 16 pupil with an EHCP maintained by another local authority.
46. As to its policies, the Council’s guidance is clear, procedures are robust, and comprehensive training has ensured staff are well- informed. Staffing levels are appropriate to work with pupils of compulsory school age for whom Sefton are responsible.

Steps that have been taken by Sefton in response to the perpetrator’s crimes

47. As of 19 August 2024, the Department of Education issued statutory guidance. “Working together to improve school attendance”. The Guidance provides that where a child has an EHCP, the school’s local authority should alert the home local authority which

maintains the EHCP about any significant issues emerging over attendance of which it becomes aware, so that the home local authority can consider whether needs continue to be adequately supported through the existing plan. This information was incorporated into Sefton's local procedures in 2024.

48. Steps have been taken to address the quality of information in EHCP's from other local Authorities who send consultations to Sefton's schools. When receiving an initial EHCP consultation from another local authority, schools must ensure Section D of the EHCP includes a summary of social care needs related to the child's disability. It should also include a summary of social care needs not related to SEND and disability including information about risk and risk taking behaviours to enable the potential receiving school to put in place risk assessments to mitigate these. If they feel information is lacking, the other local authority must be contacted for further details.
49. On 5th June 2025, Sefton wrote to the local authorities who share borders with it in relation to the school attendance of children, including those with EHCP's who are placed in independent schools within its neighbouring local authorities. There was a request to the neighbouring local authorities to share their protocols that they have adopted in response to the updated statutory guidance for attendance (August 2024) with regard to cross border placements and information sharing.
50. Going forward, for the purposes of the deliberations of the Inquiry and any recommendations it may make, in Sefton's view, of critical importance is this. It should be made sure that children not attending education are seen by the appropriate professionals. Parents should not be able to refuse to let professionals see their children. It also should not matter what age the child is, schools should be part of any meetings relating to a child especially those who are not attending. In this instance, AR's parents refused to let the Presfield School be in the meeting with health professionals.

Conclusions

51. Sefton will engage with the Inquiry to the fullest extent required of it. It welcomes the opportunity to do so and will look to contribute to and implement any learning that may prevent such an awful tragedy from occurring again.

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MANCHESTER, LIVERPOOL & LEEDS
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