

THE SOUTHPORT INQUIRY PHASE 2

OPENING SUBMISSIONS ON BEHALF OF THE FAMILIES OF

BEBE KING, ELSIE DOT STANCOMBE AND ALICE DA SILVA AGUIAR

1. Introduction

1. These are the written opening submissions of the families of Bebe King, aged 6, Elsie Dot Stancombe, aged 7, and Alice da Silva Aguiar, aged 9, who were murdered on 29 July 2024.
2. In Phase 1 the families asked the Chair to confront plainly the multiple failures that led to the murder of their daughters. He did. He made 67 recommendations, most of them directed at the agencies which failed, and reserved the reform of the system itself to Phase 2.¹ He said that in Phase 2 he would “expect detailed updates on the progress of all accepted recommendations”, because “[a] consistent concern raised by the victims of the attack has been that recommendations from past reviews and inquiries have not led to meaningful change”.² The families now ask him to grasp the nettle on the questions he reserved, and to recommend that the Home Secretary put in place a mechanism, which the families would wish him to lead, to report publicly on whether what he recommends has been implemented after this Inquiry has concluded.
3. The Government’s response to Phase 1 states that it “agrees with all 67 recommendations made by the Chair” and that it “accepts the recommendations that are for central government to deliver”.³ Those are different propositions. One of the failings identified in Phase 1 is that different parts of the State did not accept responsibility for the risk AR posed to others. That same mistake must not be repeated in response to the Chair’s recommendations.
4. At this stage the evidence is obviously incomplete. In particular, the six expert case studies have yet to be considered, and with them the question how typical AR is of the uncertain cohort now labelled “VFIs”. The families’ position is therefore provisional. Sections 3 to 10 each close with propositions which, subject to the evidence, the families will invite the Chair to adopt.

What the families asked in Phase 1

5. The families’ concern in Phase 1 was not only what went wrong but whether anything would change. Their closing submissions set this case against fifty years of child-protection inquiries whose lessons have been repeatedly identified but not learned and

¹ Vol 2, Ch 13, paras 2 and 4.

² Vol 2, Ch 13, para 3.

³ Government Response to Phase 1 of the Southport Inquiry, CP 1623, July 2026 (ILT000113), paras 5–6. Thirty of the sixty-seven recommendations receive a headed entry with a lead department and next steps.

observed that “children do not die because nothing is known, they die because everything is known, but no one connects it”.⁴ Elsie’s parents asked of the public sector: “Where is the follow-up? Where is the accountability? Where is the consequence?”, not so that individuals are punished but so that “the weight of decisions is felt by those making them”.⁵ Bebe’s parents asked that the Inquiry not be what they described as “a box-ticking exercise”.⁶ Those concerns go to implementation. They are why paragraph 2 asks for continuing oversight and section 10 for named owners, dates and verification.

6. The families’ Phase 1 closing identified, expressly as questions for Phase 2, the matters now before the Chair: (a) whether a dedicated agency, or a MAPPA-type body for children, should hold the risk posed by a child such as AR, “a clear question for Phase 2” (section 5; Recommendation 1); (b) a common chronology across agencies (section 4; Recommendation 2); (c) the voluntary nature of engagement, since even had AR been referred to Channel he could have withdrawn at any time and “the authorities (short of him committing a crime) would have been powerless to stop him” (section 6; Recommendation 46(2)); (d) “a gap in the State’s power to control the risk to the public” where a child is identified as a high risk of serious harm to others but has yet to harm anyone seriously (sections 6 and 8; Recommendation 3); (e) VPNs and targeted restrictions on internet access (section 8; Recommendation 24); and (f) whether there should be a duty to warn, “another question for Phase 2”, and at the least a statutory duty on a parent with actual knowledge of, or reckless as to, a child’s intent to commit a serious crime to report it (section 9; Recommendation 67).⁷ The Chair adopted each of those questions in his recommendations. The families are not bringing new demands to Phase 2; they are pressing questions they put a year ago and which the Chair accepted required an answer.
7. Elsie’s parents also asked why, when a child is “surrounded by weapons, involved in violent behaviour, and known to be a threat the system does nothing”, and asked that those with a desire to cause harm be stopped “long before they pick up any weapon”, because otherwise “the tools will keep changing, but the tragedy will remain the same”.⁸ That is why these submissions focus on the person and the risk, rather than on the weapon or the label.

2. The question Phase 2 must answer

8. In Phase 1, the Chair identified five fundamental problems in the way AR’s risk was

⁴ Phase 1 closing submissions on behalf of the bereaved families, paras 6–7 and 26.

⁵ Additional addendum statement of Jenni and David Stancombe; T/S 17 September 2025 (Day 9), p 16.

⁶ Vol 1, Ch 3, para 24.

⁷ Phase 1 closing submissions on behalf of the bereaved families: (a) paras 29.1, 29.4 and 78; (b) para 49; (c) para 69; (d) paras 79, 86 and 90.6; (e) paras 80–84 and 90.1–90.2; (f) paras 72–73 and fn 68. See also para 68 (section 47 Children Act 1989).

⁸ Additional addendum statement of Jenni and David Stancombe; T/S 17 September 2025 (Day 9), pp 17–19.

(mis)understood and managed: (1) the failure of any organisation or multi-agency arrangement to take ownership of the risk he posed; (2) poor information management and sharing; (3) the excusing of his behaviour on the basis of his autism; (4) the failure to oversee or intervene in his online behaviour; and (5) the role of his parents.⁹ They were “overlapping: each of them reinforced and exacerbated the others”, and “[e]verything that follows in this report should be read with these five fundamental and overlapping problems in mind”.¹⁰

9. The Chair has said which of the five matters most. He accepted that the workers and managers concerned “acted in good faith and with good intentions” but found a “failure – at an organisational and individual level – to stand up and accept responsibility for managing the risk that AR posed”, with AR’s case passed “from one public sector agency to another in an inappropriate merry-go-round of referrals, assessments, case-closures and ‘hand-offs’”. He concluded:

“Agencies repeatedly passing the risk to others and closing/downgrading their own involvement is not effective – or responsible – risk management. If, as a society, we are to avoid repetition of what happened in AR’s case, this culture has to end. This is the single most important conclusion of Phase 1 of this report. This failure lies at the heart of why AR was able to mount the attack, despite so many warning signs of his capacity for fatal violence.”¹¹

10. He identified the mechanism: “Whenever concerns were raised about risk of harm to others, they lacked an appropriate ‘destination’: put simply, there was no designated individual or agency with clear responsibility for ensuring that the risk to the public was assessed at speed and – to the extent possible – neutralised.”¹² Every part of the system which dealt with AR knew of him, and knew or ought to have known of the severe and escalating risk he posed, yet none proved capable of assessing and addressing it. He was known to Childline; to Lancashire Constabulary and Merseyside Police; to the Range High School, The Acorns School and Presfield High School; to Lancashire County Council’s children’s social care and early help services and the MASH; to CAMHS, FCAMHS and the NHS trusts; to Liaison and Diversion and the youth justice service; through three referrals, to Prevent; and, above all, to his parents. At almost every point he was inadequately assessed and his case passed on or closed. The problem was not that no one could have known of the risk. In the language of threat assessment, AR “leaked” it himself, repeatedly.¹³ Nothing effective was done to protect the public, with

⁹ Vol 1, Ch 1. The five are the section headings of the chapter: ownership at paras 5–19, information management at paras 20–22, autism at paras 23–30, online behaviour at paras 31–39, and the parents at paras 40–49.

¹⁰ Vol 1, Ch 1, paras 3–4.

¹¹ Vol 1, Ch 1, paras 18–19.

¹² Vol 1, Ch 1, para 9.

¹³ Phase 1 closing submissions on behalf of the bereaved families, paras 33–43.

the honourable exception of staff at The Acorns School, who made all three Prevent referrals and resisted his categorisation as low risk. As Bebe’s parents put it, this was “a chain of failures - across systems, across services, across safeguarding”.¹⁴

11. Whatever structure is recommended must be resourced to meet that conclusion. A recommendation for ownership without the means to exercise it would reproduce the merry-go-round under a new name (section 7).
12. Recommendation 46 has two limbs. The first is addressed to Lancashire County Council. The second asks Phase 2 to consider “whether legal reforms are needed to permit agencies, when considering children and young people who pose a risk of violence to others, to override parental consent to share information, access a child or young person, or obtain information about their online activity”.¹⁵ The Government’s response divides the 67 recommendations into three categories which together account for all of them: 30 for central government, each with a named department and a delivery plan; 27 for other organisations, on which the Government will report “as far as possible”; and 10 “identified for consideration in Phase 2”, which the response addresses only where they touch work the Government is already doing.¹⁶ Recommendation 46 therefore appears to have been counted among the 27 by reason of its first limb, although its second limb can only be for central government. Recommendation 29(2), which asks for a review of the legislation governing how police respond to children who pose a risk of serious harm to others, is addressed to the College of Policing; Recommendation 67 asks that the Law Commission be asked, which (as we understand it) in substance only a Minister can do. Neither Recommendation 46 nor Recommendation 29(2) is mentioned in the Government’s response; Recommendation 67 is, but only to record that the Government is “exploring” it with the Law Commission.¹⁷ The question of overriding parental consent, which the Chair has adopted as Issue 1.4 of the Phase 2 List of Issues,¹⁸ therefore appears to have no departmental owner and no place in any delivery plan. The families invite the Government to confirm whether that is so and, if it is not, which department holds it.

3. Who is the cohort?

13. The Terms of Reference are built on the category of the violence fixated individual: a category which the Chair did not adopt as a finding, which Counter Terrorism Policing

¹⁴ Addendum statement of Lauren and Ben King; T/S 17 September 2025 (Day 9), pp 19–20.

¹⁵ Vol 2, Ch 13, Recommendation 46(2); Vol 2, Ch 9, para 309.

¹⁶ ILT000113, para 4; and see para 20. The response does not enumerate the ten. Ten recommendations in Chapter 13 are framed “Phase 2 should consider” as free-standing recommendations: 1, 2, 3, 12, 14, 15, 20, 24, 55 and 56. Recommendation 46(2) is framed in the same way, as the second limb of Recommendation 46.

¹⁷ Vol 2, Ch 13, Recommendations 29 and 67; ILT000113, paras 18 and 89–90; and, on Recommendation 67, section K and para 150.

¹⁸ Approach to the Phase 2 Terms of Reference, 1 May 2026 (ILT000111), Issue 1.4.

has since stopped using, and which the prosecuting authorities and the directors of children's services do not use.¹⁹ Issue 1.1 asks whether existing frameworks "adequately define, recognise and address VFIs as a distinct group". The Chair's own formulation was a level of risk rather than a label: "those who pose a real risk of killing or causing serious harm to others (including 'violence fixated' individuals)".²⁰ The existing categories failed: the three frameworks available were Prevent, child protection under Working Together to Safeguard Children, and Early Help. Yet, "[t]he risk of harm posed by AR fell between their respective remits".²¹ As to Prevent:

"I have grave concerns that there are persons who pose a real risk of inflicting serious harm on others and are fixated on violence, but who have no vulnerability to being drawn into terrorism. In its current form, Prevent is unlikely to accept them."²²

14. Counter Terrorism Policing Headquarters accepted as much in its Phase 1 closing statement, adding that "[t]here must be a whole-system approach by the Government to tackle the risks posed by VFIs".²³ Since April, Counter Terrorism Policing has retired the category. Its replacement, non-ideological extreme violence ('NIEV'), requires three things together: i) extreme violence; ii) no clear ideological purpose; and iii) an intention to shock, intimidate or outrage an audience beyond the immediate victim.²⁴
15. The problem with that definition is that it might well exclude AR. It is not obvious he had 'an intention to shock, intimidate or outrage an audience beyond the immediate victim'. Professor Cassam put the point to the first seminar. He described someone who "wants to kill people brutally, who actually commits a mass casualty attack, has no ideological, sexual, gang or drug-related purpose and is completely indifferent to whether a wider audience is shocked, intimidated or outraged", and said that such a person's violence "would not count as non-ideological extreme violence". Accepting that he was speculating, he added: "You might think that actually what I have described there ... is in fact AR."²⁵ A description which excludes the index case of this Inquiry requires justification. The focus should simply be on the risk of serious harm to others.

¹⁹ ILT000339 (CPS precis for Seminar 6A, 17 September 2026), para 3, and CPS001039, para 2.4 ("a public policy term ... not one which is widely used or recognised within the CPS"); CBA000001, para 16; ADCS000016, para 16; IPC000001, paras 8 and 75; PSL000004, para 6; AI000018, para 4.

²⁰ Vol 1, Ch 1, para 54. Recommendation 1 uses the same measure: children and young people "who present a high risk of serious harm".

²¹ Vol 1, Ch 1, paras 14–15.

²² Vol 2, Ch 8, para 142.

²³ Vol 2, Ch 8, para 126, quoting the closing statement of Mr Butt KC on behalf of CTPHQ. He added that to include such individuals within Prevent and the wider counter-terrorism system "may be detrimental to those referred individuals and to the system's ability to tackle the core threats it is intended to address".

²⁴ HOM000964, paras 153 and 157–167; ILT000220.

²⁵ Seminar 1 transcript, 8 September 2026, p.22.

Where AR was unusual, and where he was not

16. He was unusual in precisely the respects on which the existing categories turn. The police “searched for and were unable to find any evidence of AR having pursued an ideological cause, whether political, religious or racial”,²⁶ and there is “no credible evidence that AR had demonstrated a commitment to any specific terrorist ideology”.²⁷ What the Chair found instead was “a deep and enduring preoccupation with extreme violence and the brutal deaths of others”.²⁸ In other respects he was not unusual at all. He was almost entirely isolated, out of education, and online; and he was autistic. A system built around ideology referred him three times and never adopted him as a candidate for preventative work that might have altered the outcome. A system which asked what he had done and how he was living, rather than why, would have engaged: he had stated an intention to kill, carried knives repeatedly and committed a premeditated assault; he was out of education, almost wholly isolated, and online without restriction.
17. The families make one submission about neurodiversity. The Chair found that “it would be entirely wrong to make a general association between autism and an increased risk of violent harm to others”²⁹. The families adopt that without qualification. The Chair also found that in AR’s case his autism was a factor which meant that “his long-standing and already disturbing interests in violence, weapons, and atrocities escalated to far beyond anything that could be regarded as normal or reasonable”,³⁰ and that agencies “regularly used his autism as an explanation or even excuse for his conduct, including his violence”.³¹ If neurodiversity when combined with other features such as being isolated, out of education and online *is* a risk-relevant characteristic, a practice which treats it as a reason for inaction is a serious problem that any recommendation must address. Neurodiversity may therefore be relevant to how a person’s risk is assessed and managed, but it must never bear on whether that person is eligible to be assessed at all. In AR’s case the absence of a label operated as a reason to wait: FCAMHS closed his case because it could not contribute to the understanding of risk until his autism assessment was complete, and that assessment took 77 weeks.³²
18. What is required is a threshold of conduct or behaviour, not a diagnosis: in AR’s case the lack of a label caused delay and a significant loss of opportunity.³³ Two further

²⁶ Vol 1, Ch 6, para 8.

²⁷ Vol 2, Ch 8, para 131.

²⁸ Vol 1, Ch 6, para 9. The Chair recorded that AR erased his browsing history shortly before the attack and deactivated one of his X accounts the same day, so that “we have only a partial view”.

²⁹ Vol 1, Ch 1, para 24.

³⁰ Vol 1, Ch 1, para 29. See also para 25: AR “manifestly fell into the cohort of those with ASD whose individual characteristics mean that their autism does carry an increased risk of harm to others”.

³¹ Vol 1, Ch 1, para 26, where the Chair called this “both unacceptable and superficial”.

³² Phase 1 closing submissions on behalf of the bereaved families, paras 23–25; MERP000178_0060; Vol 2, Ch 10, paras 149 and 325.

³³ Seminar 3 presentation of Professor Bram Sizoo, “Concerns” and “Answers” slides (the risk of “label-

matters will have to be addressed. Topic I is confined to those aged 25 or under, Topics II to IV are not, and AR committed the attack shortly before his eighteenth birthday;³⁴ the families return to the age boundary at sections 6 and 8 below, where it is submitted that any order made should not expire on a birthday. The families are conscious of the limit of reasoning from one case, as is the Government, whose own roundtable recorded that the definition “should not be predicated on the [AR] case, given the limited evidence”.³⁵ That is why the six expert case studies are so significant; the families reserve their position and will comment further if those cases show a pattern which this one does not.³⁶

Proposition 1. *Subject to the evidence, the families will invite the Chair to find that eligibility for whatever structure he recommends should be keyed to the risk of serious harm to others, evidenced by conduct, and not to motive, ideology, audience, offence or diagnosis; that what is required is an operational trigger rather than a diagnostic category; and that the absence of a settled national label is not a reason to defer building the system.*

4. Is identification the difficulty, and what should trigger a response?

19. Finding these children is not the hard part, and this case proves it. On 7 October 2019 AR told Childline “I want to kill somebody”, that there was a boy at school he hated, and that he had taken a knife to school and would use it if the boy “really annoyed me in the moment”.³⁷ He said it again on 17 March 2022: found with a knife on a bus, “AR smiled and told them that he wanted to stab someone”.³⁸ Between those dates he was seen by almost every agency listed at paragraph 10 above. Lord Anderson put it plainly: “the problem in my view is not that there are too many ARs in Prevent. I wish AR had been accepted into Channel.”³⁹
20. AR was repeatedly seen but his overall risk profile never assembled. “[S]imple self-reporting may not amount to adequate exploration” of a child’s online life;⁴⁰ AR told the

myopia”; in the Dutch system a label routes a case without gating access to it, “a ‘best-fit’ is good enough”); and, to the contrary effect, Seminar 3 transcript, 10 September 2026, p.118 (Mr Diamond: a new structure requires “a clear and unambiguous definition ... because in order to draw personnel and agencies around that structure, there needs to be clarity of their purpose”).

³⁴ Approach to the Phase 2 Terms of Reference, Topic 1 (ILT000111); Vol 2, Ch 13, Recommendation 3; Vol 2, Ch 9, para 266.

³⁵ DSIT0000499, Government Office for Science roundtable on HMG capability.

³⁶ ILT000097, letter of instruction to the expert cadre (Mr Neil Basu, Dr Monica Lloyd, Ms Anna Gianfrancesco, Ms Elizabeth Swan and Dr Richard Church), and Annex A. The families note, neutrally, that the experts are instructed that the Inquiry “does not wish to make any explicit or significant criticism” of the agencies involved in the case studies, partly because criticism would engage Rule 13 of the Inquiry Rules 2006 and “will risk the pace of delivery required of the Chair for Phase 2”. The case studies are the only case-level evidence Phase 2 will generate about how the system has dealt with others in this group.

³⁷ Vol 2, Ch 7, para 2.

³⁸ Vol 2, Ch 7, para 90.

³⁹ Seminar 2 transcript, 9 September 2026, p.25.

⁴⁰ Vol 1, Ch 1, para 38.

professionals who asked that he rarely used Instagram and only watched YouTube, and the Chair found he was deceiving them.⁴¹ Had the agencies on 17 March 2022 “had a remotely adequate understanding of AR’s risk history”, he would have been arrested that day.⁴² The failure was not because he was not noticed, it was that nobody put together what had been noticed. Jonathan Hall KC’s evidence points in the same direction: “The way in, I would suggest, is not through the material, which changes, it is quite hard to read, but by looking at the sorts of people who need the support and potentially the intervention and the risk management.”⁴³

21. Recommendation 2, the shared multi-agency risk-assessment tool, is the Chair’s own answer to the problem of assembling what different agencies each knew.⁴⁴ When Dr Taylor offered checklists for action in place of a prediction tool, the Chair told him: “if what I’m left with is a helpful but very loose general suggestion of a looser screening tool, that is not going to be good enough for the Home Secretary.”⁴⁵ The families agree, and say the concrete half of the answer is a tool that records who holds the case, not only how risky it is.
22. As to the trigger, graded responses matter more than any single threshold. A concern should produce an offer of support and a record. A stated intention to commit serious violence, or an act of significant violence, should require the mandatory assembly of the history, a chronology and a multi-agency assessment, irrespective of consent by the child, young person or parent. Other conduct may call for the same response. A crossed threshold should engage the coercive measures discussed in section 6. Professor Cassam supplied the clearest statement of the middle line: “the point at which the Rubicon has been crossed is the point at which a young person explicitly states their intention to commit serious violence. I think it is not rocket science to see that at that point. Research is not needed to tell us that we should be worried at that point.”⁴⁶ AR crossed it in October 2019, aged thirteen, and again in March 2022, and neither occasion produced an assessment of the risk he posed to others.

Proposition 2. *Subject to the evidence, the families will invite the Chair to find that a stated intention to commit serious violence, or an act of significant violence, by a child or young person should of itself require the assembly of that person’s history across agencies and a multi-agency assessment of the risk posed to others; that this should not depend on the consent of the child or a parent; and that the shared assessment tool contemplated by Recommendation 2 should record who holds the case as well as how it*

⁴¹ Vol 1, Ch 6, para 29.

⁴² Vol 1, Ch 1, para 22.

⁴³ Seminar 2 transcript, pp.39–48; the passage quoted is at pp.47–48.

⁴⁴ Vol 1, Ch 1, paras 62–63: “a single risk assessment tool, under the co-ordination of a single responsible agency, would be a proportionate way of reaching the same position”.

⁴⁵ Seminar 1 transcript, p.94 (Sir Adrian Fulford).

⁴⁶ Seminar 1 transcript, pp.123–124. The answer was given to a question about research priorities, not as a proposed legal test.

is assessed.

5. Who holds the risk, and is the holder to be a new body or Prevent?

23. Recommendation 1 asks Phase 2 to consider “what single agency or structure should be appointed or established to record, monitor and co-ordinate interventions for children and young people who present a high risk of serious harm”, matched with “cultural change so that agencies are prepared to own and manage risk appropriately not just refer it on to others”. The Chair framed this question and reserved it. The holder “could be through a mechanism for the appointment of a pre-existing agency as the ‘lead agency’; the expansion or creation of a dedicated multi-agency structure (for example MAPPA or akin to MAPPA); or the creation of a new agency”, and “[a] question that will need to be considered is whether this new mechanism, structure or agency would be separate from, or incorporated into, Prevent”.⁴⁷ He also closed some doors: Forensic CAMHS “cannot be the entirety of the answer”, the Working Together framework lacks “sufficient flexibility”, and MAPPA and MASP were not “appropriate frameworks for identifying or managing the risk posed by AR”.⁴⁸

Nobody has volunteered

24. No body has volunteered to own the risk, and six either disclaim the role for themselves or describe the absence of anybody to hold it. The Department for Education says education settings “would not be responsible for assessing any risk to others outside of the setting”.⁴⁹ The NASUWT says ownership “should sit with a body that has the statutory remit, expertise and capacity to coordinate risk”.⁵⁰ The National Association of Head Teachers says school leaders lack “the experience, skills or time”.⁵¹ The Association of Directors of Children’s Services says that where concerns remain “no single agency has a mandate to coordinate the response”.⁵² And the Independent Prevent Commissioner, Timothy Jacques, says: “I do not believe there is sufficient clarity about which agency or person holds or should hold the primary responsibility for managing VFIs.”⁵³ Counter Terrorism Policing Headquarters goes further. It does not consider Prevent “the appropriate duty holder for VFIs at this time”, and if a policing duty holder were preferred “the role would need to sit within wider policing rather than CTP”. It accepts that “there is at present no identifiable national home for the assessment and management of the risk posed by VFIs who fall outside the statutory boundaries of the

⁴⁷ Vol 1, Ch 1, para 56.

⁴⁸ Vol 1, Ch 1, paras 57–59.

⁴⁹ DFE000297 (Second Corporate Witness Statement of Kate Dixon, 28 July 2026), paras 12 and 28.

⁵⁰ NAS000017 (Darren Northcott, NASUWT, 17 July 2026), para 39, at p.13. The statement’s paragraph numbering is defective and is cited with the page.

⁵¹ NAHT000005 (Paul Whiteman, NAHT, 31 July 2026), para 32.

⁵² ADCS000016 (Ann Graham, ADCS, 19 August 2026), para 49; and see para 42.

⁵³ IPC000001 (Timothy Jacques, Independent Prevent Commissioner, 7 August 2026), para 49; and see para 75.

Prevent programme”, and concludes that “a new multi-agency structure may be necessary”.⁵⁴

What the Government has done

25. The structural models are live and none has been chosen. A National Prevention Gateway went to the Home Secretary in July 2025 and was judged, given the scale of change required “together with the fiscal context”, “not currently feasible”; a broader gateway was then scoped “with the intention of awaiting the outcome of the Southport Inquiry before seeking a final decision on fundamental reform”.⁵⁵ The Home Office adds: “At this stage we have not costed options.”⁵⁶ The answer has been designed, judged unaffordable without being costed, and parked to await the outcome of this phase of the Inquiry. What happens meanwhile is being measured and recorded. In the year to 31 March 2025, 4,363 referrals were assessed as below the Prevent threshold and signposted elsewhere, and “Prevent does not have any means to follow the progress of these cases once they are signposted to other services”.⁵⁷ The Home Office’s answer, the Below Thresholds Pilot, ran in nine local authorities; its panels “did not have the power to direct other services to complete actions”.⁵⁸

The objection, and a possible solution

26. The best objection to a new body was Lord Anderson’s: “There is not an unused cohort of experts in young people who are just waiting to be summoned to deal with this new category of VFIs. People already have these jobs”, and a new structure risks putting “another stage into the analysis”.⁵⁹ The families accept the premise but reject the conclusion. What is proposed is not a further referral route beside the existing ones but a level of co-ordination sitting above or alongside them: the same people round the same table, with a named holder who cannot hand the case on and a duty on the others to co-operate with that holder. The agencies were not missing from AR’s case; at one time or another almost all of them were involved in it. What was missing was anybody responsible for it.⁶⁰
27. It may be said that this already exists. Section 10 of the Children Act 2004 obliges the local authority to make arrangements to promote co-operation, and imposes a duty on the named partners to co-operate; section 11 imposes safeguarding duties on them; section 16E provides for local safeguarding arrangements; and MAPPA imposes a

⁵⁴ CTPHQ000409 (Third Witness Statement of DAC Victoria Evans, Senior National Coordinator for Prevent and Pursue, 7 August 2026), paras 30, 89 and 93.

⁵⁵ HOM000964 (Jonathan Emmett, Home Office, 31 July 2026), paras 142 and 144.

⁵⁶ HOM000964, para 389.

⁵⁷ HOM000964, para 345.

⁵⁸ HOM000964, paras 345–349. The pilot’s evaluation, HOM000445, is cited there and has not been disclosed.

⁵⁹ Seminar 2 transcript, pp.31–32.

⁶⁰ Vol 1, Ch 1, paras 6 and 8–9.

statutory duty to co-operate under section 325(3) of the Criminal Justice Act 2003. The objection has force as to form and none as to substance. Each of those duties is engaged by the welfare of the child, or by an offender's conviction. None is engaged by the risk a child poses to others, which is the Chair's own finding: the statutory framework is "not well suited" to risks of this nature, Working Together lacks "sufficient flexibility", and MAPPA and MASP were not appropriate frameworks for AR. What section 10 lacks is not statutory force but a subject. It obliges everyone to co-operate and nobody to hold responsibility for the risk. The families therefore ask not for a new duty to co-operate, but for a named holder to whom the existing duty is owed.

28. The families do not support the statutory expansion of Prevent's remit to this cohort. The Independent Prevent Commissioner's own evidence is that Prevent "has largely become a hostage to fortune because it is relatively well resourced", and that "[d]ecision making should be risk-based rather than resource-based".⁶¹ Mr Hall's warning that the system must retain "the confidence to say no" is right,⁶² and the families do not ask that every referral be kept open. They ask that closure cease to be a disposal: where a referral identifies unresolved serious risk to others, closure should record a reasoned assessment and the arrangements for managing that risk, and transfer should be only to a named receiving agency which has accepted the case. Being told of the risk is not the same as being handed sole responsibility for the risk.

Proposition 3. *Subject to the evidence, the families will invite the Chair to find that whatever structure he recommends must provide, as a minimum, a named case owner identified at the point of referral; a statutory duty on other agencies to co-operate with that owner, going beyond the general duties in sections 10 and 11 of the Children Act 2004 by being owed to a named holder in respect of an identified individual; a review cycle running from referral, not from conviction or from consent; a route by which a case is escalated and a route by which it is closed; and transfer only to a named receiving agency which has accepted the case.*

Proposition 4. *Subject to the evidence, the families will invite the Chair to find that the holder should not be Prevent, and that closure of a Prevent referral which identifies unresolved serious risk to others should record a reasoned assessment and the arrangements for managing that risk, so that closure ceases to operate as a disposal.*

6. What may be done when consent is refused?

29. The Inquiry has already been asked this question. At the second seminar Dr Betts said this:

"My bigger concern I guess is what happens to the 50 per cent we are concerned about that don't consent? So, what do we do with those? And actually, where do you draw any kind of authority or programme to intervene with those people? I

⁶¹ IPC000001, paras 31 and 38.

⁶² Seminar 2 transcript, p.184.

think that's a point that can't be missed, that's all."⁶³

30. Lord Anderson had already grappled with the problem: consent to a Prevent intervention is voluntary, and "in almost half of cases, that consent is not given".⁶⁴ The question was not answered at the seminar, and the families invite the Chair to answer it. They do not suggest that those cases should be kept within Prevent; section 5 explains why Prevent should not be the holder. The submission is narrower: where a case is closed because consent is refused and unresolved risk to others remains, someone must still hold it. At present nobody does.

The difficulty is not one of co-ordination

31. Every agency which deals with a child works within a framework built to protect that child, and within it risk to others belongs to somebody else. There was "an enduring focus ... on the potential risk of harm to AR as opposed to the risks that he posed to others", and "[t]he pervasive failure to act on AR's dangerousness ... was a fundamental failure in this case".⁶⁵ The statutory and policy framework "is not well suited to organisations like Children's Social Care addressing risks of this nature, because of their intense focus on the welfare of the individual child".⁶⁶ The Chair reserved the remedy to his recommendations, and it is now squarely before him.

What consent actually did

32. In practice the framework did more than fail to act; it created an incentive to preserve consent at the expense of managing risk. Asked why Alphonse R's withdrawal of consent to information sharing had not been challenged, Ms Barrett explained: "trying to keep consent is really important. That's what we were trying to do. We are trying to keep a family engaged who we were struggling to engage with and that, if we'd lost that consent, we wouldn't have been able to remain open."⁶⁷ Consent had become the condition of the case remaining open at all. The safest way to keep the case was to avoid testing it. The authority's own evaluation of March 2025 had reached the conclusion: "The process for dispensing with consent needs to be tightened."⁶⁸ Two recommendations put the question to Phase 2. Recommendation 46(2) is set out at paragraph 12 above. Recommendation 56 asks whether legislative change is required to allow clinicians to assess children "who are isolated from professional support and may pose a risk of

⁶³ Seminar 2 transcript, pp.185–186.

⁶⁴ Seminar 2 transcript, p.182.

⁶⁵ Vol 1, Ch 1, para 10. See also Vol 2, Ch 7, para 89 ("the balance may have tilted too far, in a way which is preventing police officers from taking practical or effective decisions to manage even obvious risks") and para 123.

⁶⁶ Vol 2, Ch 9, para 89.

⁶⁷ Vol 2, Ch 9, para 159.

⁶⁸ Vol 2, Ch 9, para 308, quoting the evaluation of threshold decision making by LCC's education and children's service of March 2025.

violence”.⁶⁹ The second is among the ten the Government has identified for this Inquiry. The first is on no list at all.

By the last year there was nothing left

33. The Chair found in terms that the tools had run out. Of the position in September 2023:

“AR had not committed any recent criminal offences, and because he was by this point over 17, it would not have been possible for a court to make any order under section 31 of the Children Act 1989 ... The tools for effective intervention at this stage were simply not available.”⁷⁰

34. Three gateways control access to intervention in this system: consent, a recent conviction, and age. By September 2023 all three had closed. The Chair could not find that intervention at that stage would have prevented the attack, and the families do not suggest otherwise. That concession is confined to September 2023: the families’ case in Phase 1 was, and remains, that the attack was preventable from 2019 and at the latest from March 2022. The point is that a child known for four years to pose a serious risk to others passed out of reach not because anybody decided that he should, but because the law supplied no route by which anybody could decide that he should not.

Must it be the criminal justice system?

35. If consent cannot be the gate, the obvious alternative is prosecution, and the Chair’s findings supply both halves of what the families submit is the answer. He concluded that “if AR had been arrested on 17 March 2022, the attack on 29 July 2024 would probably not have occurred”, and that a Youth Rehabilitation Order would have brought “considerably more intrusive support and rehabilitation than AR had previously received”.⁷¹ But the Chair warned against generalising from that case: “[i]t would be wrong for police officers to act in all situations based on the potential very ‘worst-case scenario’.”⁷²

36. The families do not submit that this cohort should be prosecuted into safety. Their submission is that, for a child in AR’s position in September 2023, the law appears to have offered two things and no third: an offer of help which may be refused, and a prosecution which requires an offence.⁷³ The preventative orders which exist attach to a

⁶⁹ Vol 2, Ch 13, Recommendation 56.

⁷⁰ Vol 2, Ch 9, para 255.

⁷¹ Vol 2, Ch 7, paras 96–97. The Chair added that such an order would bring “potentially more serious consequences if it were breached”.

⁷² Vol 2, Ch 7, para 110.

⁷³ Seminar 3 transcript, p.16 (Ms Canning: “if there’s no conviction or caution then MAPPA just does not have a role”); Youth Justice Board, Seminar 6A presentation (ILT000284), slide 14 (“Points for discussion”: a Referral Order is “[a]vailable only after offending has occurred”); ILT000339 (CPS precis, 17 September 2026), para 6: the CPS has “no role in the early intervention or disruption of VFI’s prior to the commission of any criminal offence”.

conviction, to a parent, or to particular conduct such as carrying a knife. Those which require neither a conviction nor proof of particular past conduct are each tied to a category of harm: the civil injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 to anti-social behaviour, the sexual risk order to sexual harm, and the stalking protection order to stalking. None is tied to an assessed risk of serious violence to others, which in this cohort often arises from nothing more than the enjoyment and glorification of violence itself. What appears to be missing is some form of halfway house, a middle way such as an order made by a court on a defined threshold, imposing specified and proportionate restrictions for a fixed period, subject to review and appeal, and with a significant sanction for breach. That is the same type of instrument as the internet restriction contemplated by Recommendation 3. Parliament has built that instrument this year, for one category of young person. The Crime and Policing Act 2026 introduces the youth diversion order: an order made by a court, on the application of a chief officer of police, to divert a young person away from terrorism-related activity, without the need for a conviction. What would have kept it from AR is the ideological gateway which section 3 submits should not decide eligibility. The families say “appears” because the Criminal Bar Association contends that the existing powers “are in fact quite extensive”, instancing Criminal Behaviour Orders, Parenting Orders and Knife Crime Prevention Orders.⁷⁴ The families invite the Chair to test that proposition: before any new power is recommended, he should be given an inventory of the orders which already exist, applied to the facts he has found.

37. The families accept what Ms St Vincent told the second seminar: “the State cannot use pressure or coercion to try to get people to change their opinions or beliefs full stop”. What may be limited is the manifestation of a belief and not the fact that it is held.⁷⁵ Nothing in these submissions asks for anything else. What the families seek is the restriction of conduct and of access, by a court on a defined threshold, and for a fixed time.⁷⁶

Proposition 5. *Subject to the evidence, the families will invite the Chair to find that consent should gate the provision of support and not the exercise of oversight; that a refusal to engage should trigger reassessment and escalation rather than closure; and that where serious risk to others remains unresolved, responsibility for it should continue notwithstanding the refusal.*

Proposition 6. *Subject to the evidence, the families will invite the Chair to specify, for any measure which does not depend on consent, the defined threshold, the applicant, the decision-maker, the measures, the duration, the review and the appeal; to consider*

⁷⁴ CBA000001, para 22.

⁷⁵ Seminar 2 transcript, p.179. The transcript reads “opinions or believes”.

⁷⁶ Consent here is often the parent’s rather than the child’s and Prevent receives referrals each year about children under the age of ten: Seminar 2 transcript, p.186 (Mr Roxburgh). Whose consent is in issue, and at what age it becomes the child’s own, will have to be answered before the issues around consent can be understood and finalised.

whether the youth diversion order provides the model for such a measure once eligibility is keyed to the risk of serious harm to others rather than to terrorism; and to recommend that Recommendation 46(2) be assigned to a named department, with a date, and reported on before the Phase 2 evidence closes.

7. What works, and what can be afforded?

38. The state's own evidence is that it does not know. The Department for Education: "There is not a set of known interventions that are proven to work."⁷⁷ The National Clinical Lead of the Counter Terrorism Clinical Consultancy Service: "I am not aware of an evidence base for interventions that reduce risk in violence fixated individuals specifically."⁷⁸ That is not a finding that nothing works, and the families do not accept that is the position. The Youth Justice Board describes named prevention programmes, in which participation is voluntary "because the evidence shows interventions are more effective when a child engages willingly".⁷⁹ The families' case is not that voluntary work is worthless; it is that there must be a holder of the risk for the half who refuse it. Dr Taylor supplied the sentence which provides the link between the last section and the next: "agencies can only own risk they can see, and they relinquish cases they can no longer see."⁸⁰
39. Whatever the Chair recommends has to be affordable, and his own counterfactual was framed in those terms: "if appropriate arrangements and reasonable resources had been in place to address the risk that AR posed to others from December 2019 onwards, it is highly likely that the tragedy of 29 July 2024 would not have occurred."⁸¹ Reasonable resources. In Phase 1 the families submitted that a lack of resources was not the primary explanation for the failures in AR's case,⁸² and that remains their position: those failures were of competence and structure. The point now is a different one. A system which is to prevent the next case must be paid for, and it must be costed before it is recommended. The families do not seek the most expensive option. They seek one that has been costed, and none has been. Mr Hall's test is unmet by any document disclosed: "there is a danger of aspirational but unrealistic talk about the availability and utility of support ... If Child and Adult Mental Health Service or adult social care is to be discussed as a possible intervention, what is the waiting list?"⁸³ Dr Irani, asked whether forensic specialists should be routinely involved, said no: "It will be six years before they get seen. There are very few of us."⁸⁴ Dr Taylor described a new fast-track adolescent assessment service,

⁷⁷ DFE000297, para 9.

⁷⁸ DRT000010 (Dr Richard Taylor, 17 August 2026), para 68; and see para 89.

⁷⁹ Youth Justice Board, Seminar 6A presentation (ILT000284), slides 5 and 6.

⁸⁰ DRT000010, para 88.

⁸¹ Vol 1, Ch 1, para 53.

⁸² Phase 1 closing submissions on behalf of the bereaved families, para 99.

⁸³ Jonathan Hall KC, Independent Review on Classification of Extreme Violence, 13 March 2025 (ILT000100), para 5.19.

⁸⁴ Seminar 1 transcript, pp.129–130.

a year in the negotiating, “for up to 50 cases a year”.⁸⁵ Not every one of the 4,363 referrals signposted out of Prevent in a single year would need such an assessment, but fifty shows the order of the gap between the specialist capacity which exists and the cohort the system has already identified. Lord Anderson said that “[w]e are all in a way spinning stories about a world in which there is funding for these things to be done properly”.⁸⁶

***Proposition 7.** Subject to the evidence, the families will invite the Chair to find that no intervention should be recommended without evidence of a credible and funded route by which it will be delivered, including access criteria, staffing, waiting times and evaluation; and that the Home Office and the Department of Health and Social Care should be required to put costed options before him before the Topic I hearings conclude.*

8. The internet: influence and enabling

40. The Chair has already said, “I have no hesitation in concluding that the degrading, violent and misogynistic material which AR was viewing online contributed to – and ‘fed’ – his already unhealthy fascination with violence. It also led him to build an arsenal of weapons, and to prepare a chemical and biological weapon in ricin, through online purchases.”⁸⁷ That is a conclusion that what AR viewed online fed his fascination with violence, and that what he could buy online enabled him to act on it. The families do not invite the Chair to wait for a general theory of how online harms cause off-line harms based on near impossible-to-conduct empirical studies of uncertain weight. They invite him to proceed on the finding he has made. The distinction nonetheless matters, because the remedies diverge: *influence* points at the design of services, *enabling* points at age assurance that works, friction at the point of purchase, and what agencies may lawfully know about a child’s online life. Issues 2.1 to 2.3 are framed around algorithms, “niche online communities”, anonymity and disinhibition, whereas the Chair found no ideological cause,⁸⁸ no forum and no group, and that what AR primarily followed on Instagram were young female influencers.⁸⁹ The Southport facts are solitary consumption and frictionless acquisition of weapons, and they live at Issues 2.6 and 2.7.

A failure of powers as much as of curiosity

41. “Remarkably, for the entirety of the period 2019 to 2024, when AR was aged 13 to 17, AR’s parents did not even have the precaution of online parental controls set at the home address. More remarkably still, this seems to have gone unnoticed (and certainly unchallenged) by all the agencies dealing with AR.”⁹⁰ But the Chair also found that

⁸⁵ Seminar 1 transcript, pp.131–132.

⁸⁶ Seminar 2 transcript, pp.217–218.

⁸⁷ Vol 1, Ch 1, para 37.

⁸⁸ Vol 1, Ch 6, para 8.

⁸⁹ Vol 1, Ch 6, paras 13–14.

⁹⁰ Vol 1, Ch 1, para 36.

“LCC does not have any statutory powers that would have enabled them to investigate AR’s online behaviour”⁹¹. Prevent received three referrals based on his online conduct and never adequately examined it.⁹² Part of the obstacle is what the Prevent Commissioner describes as a self-imposed “rule of three”, under which looking more than three times at a publicly available profile is treated as monitoring requiring authorisation, with a “chilling effect” on the checks Prevent officers make.⁹³ Mr Hall has met the same rule: “you can look at an account once but not twice. If you do, it is a profile.”⁹⁴ Recommendation 32 cannot be delivered while practitioners believe that the third look requires an authorisation they do not have.

The same material does not act on every mind alike

42. Dr Taylor said that “there is no research evidence of an increase of violence among those with autism spectrum conditions”, and offered a hypothesis: “that the online extremist environments have evolved in recent years in a way that they tap uniquely into the vulnerabilities of autistic individuals, who may then follow the algorithms into the pathway”.⁹⁵ Professor Smith supplied the discipline: “if we flip the statistic around”, the rate of violence among those with diagnoses is no more than the general population’s.⁹⁶ The families ask for one thing: that the research Dr Taylor says does not exist be commissioned, because a system designed around an average user will not protect the children most likely to be harmed by it.

The power the Chair has already shaped

43. The Chair posed “a pressing question about whether further statutory powers to monitor or restrict internet use are required” and answered its scope himself: “[a]ny such powers should in my view be tightly focussed on children/young people who have already been responsible for significant violence and show signs of a fascination with violence being fostered online”.⁹⁷ That is Recommendation 3, and the families support it. In Phase 1 the families sought orders available before a child had seriously harmed anyone.⁹⁸ They adopt the Chair’s narrower formulation for the internet power, which AR had satisfied by December 2019; the wider question of an order on a defined threshold short of significant violence is addressed at Proposition 6. What they add is the structure and content it needs to be implemented: the applicant, the decision-maker, the threshold, the measures, the duration, the review, the appeal, and what happens when the subject turns

⁹¹ Vol 1, Ch 6, para 31.

⁹² Vol 2, Ch 8, paras 47–49 and 88.

⁹³ IPC000001, paras 62–64.

⁹⁴ Seminar 2 transcript, pp.43–44.

⁹⁵ Seminar 1 transcript, pp.74–76 and 129.

⁹⁶ Seminar 1 transcript, pp.126–127.

⁹⁷ Vol 1, Ch 1, para 65.

⁹⁸ Phase 1 closing submissions on behalf of the bereaved families, paras 79 and 88.

eighteen.

44. The Chair has already drawn the line on age. He declined to recommend a general power to remove legal but harmful content because “Parliament considered that it should not take steps to preclude adults from viewing legal but harmful content”.⁹⁹ The general remedy was blocked in the name of adult liberty, and the case which prompted it was a seventeen-year-old on an account which X recorded as belonging to a thirty-four-year-old.¹⁰⁰ The families do not ask the Chair to reopen Parliament’s settlement. They ask two narrower things: that violent content be treated as primary priority content for children, which would engage the highly effective age assurance duty;¹⁰¹ and, more importantly, that the restriction power attach to the assessed individual rather than to the class of children, so that it neither depends on an age check which a false date of birth defeats, nor expires on a birthday.

Evasion, and purchase

45. Evasion rather than anonymity is the documented behaviour, and the Chair has said it defeats the Online Safety Act: “I can put this no higher than ‘might’ because AR was a prolific user of Virtual Private Networks (VPN) and it would have been possible to use a VPN to bypass any UK specific age verification checks”.¹⁰² Recommendation 24 is reserved to Phase 2. On purchase, “Amazon has the technical ability to analyse the combinations of purchases in contexts such as this, but they consider that they need guidance from the Home Office as to which combinations would potentially be of interest”.¹⁰³ Finally, the platforms: no platform and no regulator has served evidence which the core participants have seen; TikTok’s and Roblox’s statements exist as document numbers and have not been disclosed, and their witnesses are listed for the Topic II hearings beginning on 4 November.¹⁰⁴

Proposition 8. *Subject to the evidence, the families will invite the Chair to make separate recommendations on the influence of online material and on its enabling of violence, and to find that the restriction power contemplated by Recommendation 3 should be an order of a court against a named individual who has committed significant violence, with the threshold, applicant, decision-maker, measures, duration, review and appeal*

⁹⁹ Vol 1, Ch 6, para 57.

¹⁰⁰ Vol 1, Ch 4, para 30: the date of birth on AR’s extant X account was 1 January 1990. See also Vol 1, Ch 6, paras 13 and 45.

¹⁰¹ Online Safety Act 2023, ss.61 and 62 (violent content is priority content, not primary priority content), s.12(3)–(6) (the highly effective age assurance duty attaches to primary priority content only) and s.219 (power to amend ss.61 and 62 by regulations); Milo Comerford, ISD, Seminar 4 presentation (published 15 September 2026), slide 21; and see Ofcom, Guidance on Content Harmful to Children (ILT000264) and Guidance on highly effective age assurance (ILT000267).

¹⁰² Vol 1, Ch 6, para 38.

¹⁰³ Vol 1, Ch 5, para 47.

¹⁰⁴ ILT000223 (First Witness Statement of Ross Howarth, Solicitor to the Inquiry, 7 September 2026), paras 12–33, referring to TIK000001, TIK000002 and RBX000017; Phase 2 Update No. 5.

specified, and continuing beyond the age of eighteen if the court orders it.

Proposition 9. *Subject to the evidence, the families will invite the Chair to find that violent content should be treated as primary priority content for children under the Online Safety Act; that age verification for age-restricted goods should be performed at the point of each transaction; and that the Home Office should give retailers the guidance on suspicious combinations of purchases which Amazon says it awaits.*

9. Should there be a legal sanction or consequence for “knowing” but failing to act or warn the relevant authority of the prospect of a child committing acts which constitute a risk of serious harm? Recommendation 67

46. The Chair found that AR’s parents knew he had bought weapons, knew that on 22 July 2024 he had set out to attack his former school, and saw the empty knife packaging on the morning of the attack, and that they did not report it. He put the consequence in one sentence: “If AR’s parents had done what they morally ought to have done, AR would not have been at liberty to conduct the attack and it would not therefore have occurred.”¹⁰⁵ Whether the law should follow the moral expectation is the question Recommendation 67 sent to the Law Commission, the Chair having concluded that such a duty “would be a major legal development, the implications of which are wider than a public Inquiry into a single event can properly consider”, while adding that “a change to the law does warrant serious consideration”.¹⁰⁶ The families had asked in Phase 1 that the question be examined in Phase 2; it is an obvious candidate for the type of seminars that have recently taken place.¹⁰⁷
47. Two points to consider: the Chair himself designed such a duty in this report: [1] see Recommendation 4 which imposes on licensed taxi drivers a duty to report significant criminal activity they witness, with an administrative sanction, and he made it although he found that Mr Poland’s delay caused “no actual detriment”.¹⁰⁸ [2] Parliament has legislated a duty of the kind Recommendation 67 describes: section 85 of the Crime and Policing Act 2026 places persons engaged in specified activities under a duty to report suspected child sexual offences, with a regulatory rather than a criminal sanction for breach, although it is a criminal offence to prevent or deter a person from complying with the duty. The duty is not yet in force. Parents are outside it. Under section 38B of the Terrorism Act 2000 it is an offence to fail to report information about a person preparing an act of terrorism. But there is no offence where the same act is prepared for no ideological reason at all. The Youth Diversion Order in the 2026 Act draws the same line. The disincentive the Chair recorded, Alphonse R’s “I knew, of course, if I tell the

¹⁰⁵ Vol 1, Ch 1, para 49(b); and see Vol 1, Ch 4, para 212.

¹⁰⁶ Vol 2, Ch 12, para 220.

¹⁰⁷ Phase 1 closing submissions on behalf of the bereaved families, paras 72–73.

¹⁰⁸ Vol 1, Ch 4, para 113; Vol 2, Ch 13, Recommendation 4.

police, they would take him away”,¹⁰⁹ is an argument about the design of any duty, not against having one. [3] Any duty to report would operate against a common law background in which neither a public authority nor a private individual owes a duty to protect another from harm caused by a third party, save within the recognised exceptions. That may confine any compensation to a claim under the Human Rights Act, because in any contested litigation which follows the putative defendants are likely to argue that every failure found in Phase 1 was an omission, and that the exceptions to the general rule that there is no liability for failing to act cannot apply on these facts. That is not conceded, and the families do not invite the Chair to engage with that question, which they agree is beyond a single inquiry and is covered by several well-known Supreme Court judgments.¹¹⁰ They ask that the reference be drawn widely enough to reach it, so that the Law Commission may consider whether the pendulum has swung too far in favour of protecting public authorities, at the cost of the innocent victims of preventable third party violence.

Proposition 10. *Subject to the evidence, the families will invite the Chair to find that Recommendation 67 should not just be left to an open-ended reference to the Law Commission, but should be first referred with a date and with terms of reference. Such terms could ask specifically whether a duty to report information about a person preparing an act of serious violence should be limited by, or depend upon that person's ideology, and how any such duty would be framed by reference to the model of section 85 of the Crime and Policing Act 2026, specifying the persons bound, the threshold of knowledge, the recipient, the defence and the consequence of breach. Those terms of reference should extend beyond the form of any statutory duty to the common law against which it would operate, including the omissions principle and the default position that neither a public authority nor a private individual owes a duty to protect another, save within the recognised exceptions. The families further invite the Chair to recommend that the Government report, by a stated date, whether that reference has been made, as Proposition 11 requires of his other recommendations.*

10. How prescriptive should the recommendations be?

48. The Chair should prescribe the architecture and leave the practice to evolve. The architecture is what cannot be filled in later without being lost: the duty holder, the duty to co-operate, the eligibility threshold, the powers and their limits, the decision-maker, the review cycle, the route of appeal, the audit. But every recommendation should carry a named accountable department, a date, and a means of testing delivery, which is what he asked for himself when he required that the victims be informed “in concrete terms”.¹¹¹ The Government’s answer, that the findings are to be considered “in the round

¹⁰⁹ Vol 2, Ch 12, para 178.

¹¹⁰ *Michael v Chief Constable of South Wales Police* [2015] AC 1732; *Robinson v Chief Constable of West Yorkshire Police* [2018] AC 736; *N v Poole BC* [2020] AC 780; *HXA v Surrey CC*; *YXA v Wolverhampton CC* [2024] 1 WLR 335; *Tindall v Chief Constable of Thames Valley Police* [2025] AC 1046.

¹¹¹ Vol 2, Ch 13, para 3.

rather than responding to recommendations individually and formulaically”,¹¹² is the answer the families ask him *not* to accept, and Recommendation 46(2) is the reason. It asks perhaps the hardest question in the Inquiry, and it appears to have fallen out of the count because its first limb was addressed to a county council. Recommendations answered in the round cannot be properly audited.

Proposition 11. *Subject to the evidence, the families will invite the Chair to attach to each recommendation he makes a named accountable body, a date, and a means of verifying delivery; to distinguish in his report the architecture he requires from the practice he leaves to develop; and to require the Government to report on Recommendation 46(2) as it reports on the ten.*

NICHOLAS BOWEN KC
WILLIAM CHAPMAN

18 September 2026

¹¹² ILT000113, para 19.