

Local Safeguarding Children Practice Review - Luke

Authors Dr Mark Peel & Haley Thompson

Date: 23rd December 2025

Contents

1.	Introduction and Context	Page2
2.	The Purpose of this Review	Page 3
3.	Defining Legislation: Children Act (1989) The Paramountcy of Children's needs and rights above those of adults	Page 3
4.	Special Guardianship Orders: Context and Regulations	Page 4
5.	Duties and Responsibilities of the Local Authority for Children Subject to SGOs	Page 5
6.	Overall timeline	Page 5
7.	Themes <ul style="list-style-type: none">• Therapeutic Support for Luke and sibling prior to and Subsequent to SGO.• Ongoing financial support for Special Guardians• Why was Special Guardianship and not Adoption seen as the best way to secure permanency for Luke and sibling?• The influence of the Lockdown/Pandemic	Page 7
8.	Conclusions and Recommendations	Page 10

Introduction and Context

Luke died aged only nine, hung from the cord of a broken blind in a stark and sterile bedroom. The words that follow, and any lessons learnt here that can benefit other children as a result, are quietly dedicated to Luke's memory, and are his legacy.

As I have found out more about Luke; about his life with Mr. and Mrs. Wallace, about his issues with food and eating, and especially about the last year or so of his short life. A picture has emerged of a troubled little boy, hungry for adult attention and the comfort of food. Mr. Wallace subsequently died in June 2025. Mrs Wallace's role in Luke's care, and with the circumstances around his death, were less clear during the course of the main work of this review. It is now understood that Mrs Wallace will face the offence of cruelty to a child under 16, contrary to section 1(1) of the Children and Young Persons Act 1933. This is understood to be unprecedented action in sad circumstances such as these.

Evidently, Luke was let down in general by adults who should have had his best interests at heart, and in particular by his special guardians. Mr and Mrs Wallace, for example, brought counselling, offered to Luke at School, to a conclusion simply because the sessions included food and left Luke behind to go on a family holiday, yet took along his younger sister.

It is not possible however on the basis of this review to say more, with any degree of certainty, about the nature of the relationship between Mr and Mrs Wallace and Luke in the period up to Luke's death, or indeed to speculate more widely about other about possible issues within the family.

The Purpose of this Review

Readers unfamiliar with safeguarding in general, and in particular with reviews of this sort, often assume that the primary purpose here is to ‘give answers and apportion blame’, and it needs to be clearly stated that this is **not** so.

The purpose of this work is to review what happened with Luke to see if lessons can be learnt from his tragic death that can be applied elsewhere, to better safeguard and protect other children in similar circumstances and improve the effectiveness of Safeguarding Partnerships.

As such, this review will cover in general terms the period April 2017 when Luke and his sibling first became known to Children’s Services in Derby, to the 16th of December 2024 when Luke died. A greater focus will be applied to the period from July 2019, when Luke and his sibling’s foster parents, Mr. and Mrs. Wallace, first expressed their interest in becoming the children’s Special Guardians. Through the time taken for assessment and making of that order, a consideration of the impact and implications of the pandemic and lockdowns on that process, and lastly the period with the Special Guardianship order in place from December 2020 to December 2024.

Defining Legislation: Children Act (1989) The Paramountcy of Children’s needs and rights above those of adults

The Children Act (1989) remains one of the most important and influential pieces of legislation in this field, and still very much sets the legal and professional context of how safeguarding is defined and the importance of ensuring that what is in the best interests of children is seen as paramount.

Of particular interest here is the principal that unless it is clearly evidenced to be in the best interests of a child, Courts will not intervene, and specifically are not influenced in this by what would be in the interests of the adults involved.

In sum, at every stage and in every circumstance, the Children Act (1989) puts children, and their needs, at the center of all decision making on their behalf.

I will go on below to set out how for Luke and his sibling it is clear that right up to the point that a Special Guardianship Order was made for them, the guiding principles of the Children Act (1989) were followed, in that decisions made around securing permanency were evidently in their best interests.

For example, all of the parties and agencies involved clearly worked hard to ensure that, if Luke and his sibling could not return to the care of their birth parents or wider family, that arrangements were put in place likely to afford them the best and most regular family style care possible, for this happen without undue delay and be ‘normalised’ by as little ongoing ‘intrusion’ on behalf of the State into family life thereafter as possible.

What is not so clear however is the extent to which Luke and his sibling's rights and needs can be said to have remained paramount once the Special Guardianship Order was made. As, under relevant regulations drafted with much older children in mind, it is the needs of adult guardians that appear to take precedence.

Special Guardianship Orders: Context and Regulations

Special Guardianship Orders (SGOs) were introduced in December 2005 in England and Wales, under the provisions of the Adoption and Children Act (2002).

The purpose of SGOs was to provide more secure and permanent living arrangement for children who could not live with their parents, where adoption was not deemed to be the best option.

It is important to note here that, at inception at least, SGOs were primarily envisaged as route to permanency for older children, and whilst a specific age range was not set out, it is assumed here that this refers principally to teenagers, who could actively and directly participate in the dialogue, planning and process of application for SGO.

Indeed, part of the design of SGOs was the thought that teenagers might be attracted to an arrangement which afforded security and permanency, but also maintained limited parental responsibility for birth families; keeping alive the possibility of future family relationships.

Importantly all those with parental responsibility for children, including birth parents, must be in agreement before any application to the Court can be made for an SGO. (As was the case here for Luke and his sibling.)

Despite the original intentions of SGOs however, it has become evident subsequently that they are increasingly being used as a mechanism, for younger children like Luke and his sibling who were aged around five years at the point their SGO was made, to achieve permanency.

There are a number of complex reasons (beyond the scope of this review) as to why the application of SGOs may have been 'stretched' beyond that older group they were initially formulated to serve. But chief amongst these are:

continuing difficulties with finding sufficient adoptive placements overall and the ability, under the auspice of a SGO, for Local Authorities to establish permanency for children through 'translation' of established foster placements into SGOs, that would not be financially possible without ongoing financial support from the authority.

Clearly, 'translating' established foster placements into permanent placements serves to minimise disruption and change for the children involved, who are likely to have experienced a great deal of uncertainty and insecurity already.

For established foster parents, already committed to the long-term care of children placed with them, the making of an SGO can be seen as a way to regularise arrangements.

Additionally, the making of an SGO will grant parental responsibility to former foster parents whilst, at the same time, terminating these on the part of the Local Authority. Thus, the making of an SGO, in these circumstances, effectively 'recasts' ongoing relationships between the parties; increasing the degree of day-to-day autonomy and control for foster parents, whilst limiting the ongoing role of the authority.

Prospectively, following the adoption of the Families First approach, the use of SGO's will become more pervasive, given the stress of retaining children within their family networks.

Duties and Responsibilities of the Local Authority for Children Subject to SGOs

The SGO regulations clearly set out (sec 17) a requirement on the part of Local Authorities to assess, review and, where necessary, provide a range of potential support services to those subject to SGOs; including counselling, advice, information and other such services.

The following question, will form the 'frame' for consideration in this review, and will be especially pertinent to our conclusions and any recommendations made.

'As Special Guardianship is now widely used with younger children, should regulations be revisited to better reflect the rights and needs of this younger group, and to ensure that adult interests do not inadvertently take precedence?'

Overall timeline

Luke, his sibling and their older brother became known to Derby children's social care due to concerns about neglect, and were made subject to Child Protection Plans in April 2017. In June of 2017, the police used their powers of protection following an incident, and the children moved to an emergency foster placement. Luke and his sibling were placed separately to their elder sibling. Care proceedings were then initiated by Derby Local Authority. That month, Luke and his sibling moved to a longer term foster placement with Mr and Mrs Wallace, foster carers with an Independent Fostering Agency. Luke was two years old, and his sibling was 14 months of age.

The care plan for all three children was originally one of adoption, however the plan for their older brother was changed to long term fostering. Care and Placement Orders were granted for Luke and his sibling in October 2018 and shortly afterwards the children had their final family time with their birth parents. It was recorded during the proceedings that Luke was focused on food in the family time sessions rather than his birth parents, and that the focus on family time going forward should be the sibling's relationship. Family finding was ongoing, however although prospective adopters were explored, no adoptive match was identified.

In July 2019 Mr and Mrs Wallace expressed an interest in becoming Special Guardians for the children, this assessment was started in November 2019 and adoptive family finding was put on hold while this was progressed.

In August 2020 there was a police referral after Luke and his sibling were found by a member of the public at around 8:45am in the morning wandering near a main road, alone

and in soiled nappies and little clothing about 25 minutes away from home. Luke was five years of age, and his sibling was four. Mr and Mrs Wallace gave the explanation that the children would often try and leave the home, and on this occasion, they had got the keys while the adults were sleeping. Both the police and social worker spoke to the children. The children told the police they were trying to get to school. Mr Wallace at that time also raised some concerns about Luke's behaviour, stating that Luke had been biting, being "aggressive" and "overeating".

In October 2020 a statutory looked after visit was moved to a virtual visit due to the family stating they were self-isolating due to Covid. Luke was observed to have a large bruise and graze on his head. Luke gave the explanation that he had fallen over at his sibling's nursery. Mr Wallace said this happened about 5 days prior to the call, however the social worker noted the injury seemed "quite fresh". Mr Wallace said Luke may have picked at this. It is unclear if Luke was spoken to alone, given the virtual nature of the call. A subsequent Looked After Review noted no concerns about the children's behaviour and a positive relationship was noted with the carers. The SGO's were made in December 2020. Luke and his sibling's parents gave consent to the orders being made.

The contact with Luke and his sibling's older sibling ended within a short period of time of the orders being made, as Mr and Mrs Wallace felt that this sibling family time was too distressing for them. The advice given by Derby social care was for virtual calls to take place. The social worker for their older brother raised that the family time plan was not being followed. There is no evidence that any contact with birth parents was ongoing and the contact with Luke and his sibling's older brother was not maintained.

Letters were sent out to Mr and Mrs Wallace on an annual basis by the Local Authority (Derby) reviewing the financial and other arrangements in place, and offering support and assistance should this be deemed necessary and requested by the family. There was no other contact between Derby or Nottinghamshire social care with Luke and his sibling, or the family prior to Luke's death. Their contact with other professionals was primarily with school.

Luke's school conveyed that Luke was a child who liked school, had positive relationships with his class teachers and he had excellent attendance. Luke always appeared clean and well-presented in his uniform. He got his hair cut regularly and was proud of his hair. Luke loved reading, any kind of performing, singing and finding out new things.

When reviewing records, there were issues at school which, when viewed in hindsight, caused concern in relation to Luke's emotional wellbeing. When Luke was in year 3 at the school, his carers raised concerns about him "stealing food" in the home, after the school became aware that Luke's door was being locked at night. Mr Wallace gave the explanation that Luke would binge on food or wake his sibling. School advised on safer alternatives to locking the door. The School also reported that they made contact with Derby social care asking for background history for the children, but did not get a reply. Derby do not have

record of this contact. Mr Wallace advised that due to the SGO there was no social worker in place and it was the case that due to the nature of the SGO arrangement there would have been no allocated worker to contact.

In October 2022 Luke was distressed at school because he thought he was not allowed to attend the school disco and his sibling was. Luke's sibling made comments that "Dad doesn't like Luke". When asked what she meant by this she said that "Dad doesn't like Luke now he is 7" and also spoke about her going on holiday, while Luke had to stay at home with Mrs Wallace. When the family were spoken to, they said it was a misunderstanding about the disco and that Luke stayed at home from the holiday for other reasons. It is clear from reviewing the school information that Luke will likely have had the experience of being viewed differently to his sister, and that school observations on several occasions suggested Mr Wallace responded differently to the children.

School provided some commissioned counselling support for Luke and a small number of other children at the school, including his sibling. For Luke, this was based around taking other people's food which had taken place at school on occasion. There was information shared to suggest that Luke did share other concerns about home which did not lead to further investigation or intervention.

Themes

Therapeutic Support for Luke and his sibling prior to and Subsequent to SGO

From 2016, The Adoption Support Fund (a central fund first established in 2015) was extended to cover the cost of therapeutic support for children living in England, who were previously in care immediately before the making of SGOs, as was the case for Luke and his sibling.

For Luke and his sibling, early assessment (prior to the SGO) describes both children's behaviour as challenging (being described as frightened, hyper-aroused and dysregulated), with Luke's especially so. It was felt, for example, that the level of need and behavioural complexity present necessitated there being 'a stay-at-home' parent for lots of years to come', and indeed this was one of the explanations as to why finding an appropriate and adequate adoptive placement for the children latterly proved impossible.

Therapeutic support services, initially from KEEP and latterly from Action for Children, were provided for Luke and his Sibling, but had been concluded prior to the making of the SGO. And whilst application for funding from the Adoption Support Fund for further therapeutic support subsequent to the SGO was mooted, no application was made.

Psychological support was also commissioned through Luke's school with regard to his ongoing issues with food and eating. Mr and Mrs Wallace brought this support to an abrupt conclusion, having initially agreed to it, on finding that food was provided as part of the therapy.

Ongoing financial support for Special Guardians

The duties of a Local Authority with respect to SGOs are spelt out in comprehensive Government guidance and regulation. Overall, the regulations permit Local Authorities to continue to offer a full range of support services to children subject to SGOs, including ongoing financial support.

Why was Special Guardianship and not Adoption seen as the best way to secure permanency for Luke and his sibling?

As stated above Special Guardianship is a relatively new mechanism, available through the Courts, often used as a way of establishing permanency for children where adoption is not or appropriate.

Special Guardianship is often described inaccurately as a sort of 'half way house' between adoption and fostering, while in fact it is much closer to adoption. Both Adoption and Fostering serve to make permanent family and living arrangements for the care of children with, any ongoing role for a Local Authority either, done away with altogether, or reduced to limited, prescribed and often temporary provision.

Local Authorities are encouraged through both legislation and regulation to plan for the stability and permanency of children in their care proactively and swiftly, either by return home (to parents or through kinship care) or through Adoption or Special Guardianship where return home is for whatever reason not possible. The considerable emphasis on establishing permanency is a reflection of a now established body of research that identifies 'drift' in care as damaging and potentially self-perpetuating, and permanency as most likely to be in the overall best interests of children.

In this context, the process of adoption finding for Luke and his sibling began early in their time in care, with Derby making considerable effort to identify a potential adoptive placement meeting their assessed need. This proved difficult, largely due to the view that the children would need a stay-at-home parent for many years to come, their challenging behaviour and Luke's speech and language difficulties, dysregulated sleeping pattern and issues with regard to food and eating.

Matters were brought to a head, when the children's foster parents expressed an interest in becoming their special guardians.

The view was taken that, putting further effort into finding an appropriate adoptive placement was unlikely to be successful, and that special guardianship with Mr. and Mrs. Wallace offered the children a clear, already tested and established way to secure permanency without undue delay or further disruption.

Application for Special Guardianship requires all those with Parental Responsibility (PR) to be in agreement and, as previously stated, when the order is made extends PR to the guardians,

retains the PR of birth parents and (because the care order is revoked) ends the PR of the Local Authority.

The influence of the Lockdown/Pandemic

The focus of this review from July 2019 onward includes the unique period of the pandemic and subsequent lockdowns. This period had a profound effect on the degree to which Local Authorities were able to maintain regular face to face contact with looked after children, and nationally required creative use of new technology to maintain contact whilst also keeping all concerned safe.

For Luke and his sibling, this period (July 2019-December 2020) coincided with Mr. and Mrs. Wallace initially expressing interest in becoming special guardians, and the process of application and latter granting of the order.

The incidents in the latter part of 2020, taken together in retrospect, are suggestive that relationships may have been changing in the Wallace household and specifically that the relationship between Mr Wallace and Luke may have been deteriorating.

What is clear however from my investigation of these incidents is that Mr Wallace was assertive and sometimes controlling in his interactions with social workers, the police and school staff, and that this was largely unquestioned.

For example, his explanation that Luke and his sibling were 'regularly' trying to run away, and that bruising to Luke had been caused accidentally, was not challenged. His depiction of Luke not unpicked and discussed as might have happened more readily had meetings occurred face to face rather than virtually. Finally, the comment made by Lukes sibling at school that 'Dad doesn't like Luke any more', was not shared with the Local Authority.

In sum, it would appear that the impact of the pandemic and lockdown, of Mr Wallace's controlling approach, of the limitations of virtual contact rather than face to face contact and of the wholly understandable objective of the Local Authority to secure permanency for Luke and his sibling within an established foster placement; taken together reduced opportunity for checking, challenging and questioning the version of events provided by Mr and Mrs Wallace.

Should the application for Special Guardianship have been delayed?

Given the evidence considered above it is, in retrospect, surprising that just five months after Luke and his sibling were found wandering on the street that the Special Guardianship Order was made.

Had the concerns described above been fully considered, a move to delay special guardianship, would have given the Local Authority more time and prolonged the statutory basis of their involvement, to make additional investigation to ensure that special guardianship remained Luke and his sibling's best interests.

Changed stay-at-home parenting arrangements post Special Guardianship

It should be noted here that throughout Luke and his sibling's foster placement, that it was Mrs. Wallace who had been the children's stay-at-home carer. The Local Authority was aware of the plans for Mr. Wallace to become the primary carer for the children. However, in my view, the potential impact of this arrangement—both on the children, given their early life experiences, and on Mr. Wallace himself—was underestimated.

What we know about Luke and his sibling's care post Special Guardianship

One of the major advantages of Special Guardianship is the degree to which continuing contact with family is baked into these orders.

For Luke and his sibling for example this would include ongoing contact with their parents, and with their older brother placed separately in foster care.

In reality it would appear that no ongoing contact with Luke and his sibling's parents was maintained, and that contact with their older brother was brought to a conclusion quite quickly, as it was deemed to be 'too upsetting' for the children.

It is clear that subsequent to Luke's death when professionals had access to the Wallace's home, a significant difference was noted in the character and ambience of the children's bedrooms. On the one hand Luke's Sibling's bedroom was very much what one might expect from a young girl of her age whilst, in contrast, Luke's room was barely furnished at all with just a bed and a broken blind.

Conclusions and Recommendations

It is evident throughout that the primary motivating factor for Derby, with respect to Luke and his sibling's, was to find a permanent family placement which would meet the long - term needs of the children, and which entailed as little disruption and displacement as possible for them. With the exception of the question, raised in this review with the benefit of hindsight, as to whether the application for a SGO might have been delayed late in the process overall and during the period of the lockdown, the way in which Derby went about this task was absolutely in line with regulations, and of 'best professional practice'. The pertinent issue here as a result is not to criticise Derby, who worked diligently in the interests of the children, but rather to ask if current regulations are fit for purpose, especially with regard to younger children. We are aware that subsequent to the completion of the rapid review that Derby have substantially enhanced their support service for children around SGO as part of their ongoing commitment to learning and improvement, and would wish to commend this.

Our objective in making the recommendations set out below contrasts with those more local and direct actions set out in the Rapid Review that have already acted upon. Our thinking here is to extrapolate from our specific understanding of what happened with Luke and his sibling, and apply that learning more generally in respect to other younger children

either

.

already cared for under the auspice of Special Guardianship, or where such application is in process or being considered.

As Special Guardianship Orders are now being used with younger children than was originally anticipated, we suggest that

- (i) Consideration be given by the National Panel to supporting the production of updated SGO regulations, more explicitly focused on the need of younger children.
- (ii) Within any updates to guidance, we would ask that the following inclusions are considered
 - a. Local Authorities should be required to undertake regular checks with SGO carers subsequent to the order being made, such that any significant change in arrangements, can be appropriately taken into account, and acted upon in the best interests of the children.
 - b. Local Authorities should ensure, as part of the SGO assessment and subsequent court agreed support plan, that the ongoing candour of all, including Special Guardians, is emphasised, discussed and agreed. Such that all are clear from the outset the best interests of children will always take precedence to the concerns and interests of adults.
 - c. Local Authorities should, as part of the SGO assessment process and subsequent to an order being made, encourage Guardians to continue to seek support when they require it, and emphasise that this will not be to their financial disadvantage.