**Freedom of Information Act 2000 (FOIA)**

Thank you for your email of 16/9/2024 when you made the following request for information.

**Please can you supply Leicester City Council's copy of the Serious Case Review carried out following the death of Ollie Davis in 2017. The review was carried out by Leicester Safeguarding Children Partnership Board and completed in 2019. Excerpts were released in 2024, but the whole report was not released to maintain the privacy of Ollie's siblings. I believe the whole report - of a case which recieved [sic] national attention - should be made available. Details relating to the siblings can be redacted.**

I apologise for the delay beyond 20 working days in responding. This was in part because time was needed to consider the public interest test.

I can confirm that the Council holds the information. This letter serves as a refusal to disclose that information under section 17 FOIA.

To the extent that the requested information contains personal data that is exempt under section 40 FOIA.

To the extent that the requested information includes information that is reasonably accessible elsewhere, that is within the published Learning Brief it is exempt from disclosure under section 21. The information can be found here:- <https://www.lcitylscb.org/media/1969/learning-briefing-2024.pdf>

The remaining information is exempt under section 36(2)(b)(ii) of the FOIA, because in the substantively reasonable opinion of a qualified person, in this case the Council’s Monitoring Officer, disclosure of the information under this Act would, or would be likely to inhibit the free and frank exchange of views for the purposes of deliberation

I have determined that the public interest in withholding the information outweighs that in disclosing it.

In favour of disclosing the information is that:-

* there is a general public interest in disclosing information for reasons of transparency and accountability
* there is an interest in demonstrating how agencies respond to serious cases involving the most vulnerable children in society and how such agencies respond and learn from such cases;
* there is an interest in ensuring that lessons learnt from such reviews are widely disseminated so that improvements can be implemented across all agencies, not only those involved in a particular case;
* understanding that a Serious Case Review is to be opened up to public scrutiny will have the effect of ensuring that participants in the process will aspire to the highest standards in contributing and producing the Review
* public interest arguments against disclosure of a particular set of information may reduce over time – this review was completed in 2019 and considers a child’s death in 2017

In favour of withholding the information

The review was undertaken by Leicester Safeguarding Children Board (now Leicester Safeguarding Children Partnership Board). It is a statutory requirement under the Children Act 2004 that safeguarding partners undertake reviews of serious safeguarding cases. The partners are required under the same statute at section 16F to publish reports following its reviews unless it considers it inappropriate to do so. If the partners consider it inappropriate to publish the report, they must publish any information relating to the improvements that should be made following the review that they consider it appropriate to publish. In this case they decided not to publish the complete review but did publish a Learning Brief on the LSCPB website in compliance with the obligation under section 16F.

Further in accordance with regulation 16 of Statutory Instrument 2018, The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018, safeguarding partners must provide a copy of the report to the Secretary of State no later than 7 days prior to the date of publication of that report.

The arguments for withholding the information are that;

* the public interest arguments for disclosure and expressed at the bullet points above are countered by the Board’s statutory obligation to publish and disseminate appropriate information; and to share the full report with relevant agencies and the Secretary of State on a confidential basis
* FOIA should not be used as a tool to undermine the discretion of the LSCPB to decide what is appropriate for publication
* The purpose of a serious case review is to learn and to disseminate that learning; that aim is achieved by publishing a Learning Brief, and by disseminating additional information as necessary to the appropriate bodies
* The LSCPB should be able to reassure potential participants to a review, including professionals, family and friends that not only their identities but potentially their expression of free and frank views will not be published where it is inappropriate to do so. Undermining the Board’s ability to do this by disclosing under FOIA may dissuade individuals from contributing to future reviews or contributing in an open and meaningful manner
* If individuals believe their input may be disclosed they may take a defensive stance because of fear of ill-informed public criticism; this would impact on the quality and usefulness of future reviews.
* Disclosure could also damage the working relationship between the authority and members of the Board. The Board disclosed the complete review to the Council on the understanding that it was not to be disclosed and that a briefing would be made publicly available. An impaired working relationship will hinder the work to prepare reviews in the future because of the inhibiting effect.

Having considered the public interest, the Council’s decision is therefore to withhold the information.