

## Arthur's Story

Arthur was six years old when he died on 17th June 2020. He was living with his father Thomas Hughes, father's partner Emma Tustin, and her two children. Arthur is described by family members and his teachers as a happy, healthy young boy who always had a smile on his face.

Prior to June 2018, professionals had not recorded any significant concerns about Arthur's welfare. After the parents' separation in November 2015 Arthur lived with his mother Thomas Hughes co-parented alongside Olivia, Arthur's mother. Arthur had extensive and positive contact with both sets of grandparents and extended family members

In February 2019, Arthur's mother was arrested and convicted for the domestic-related murder of her then partner, Gary Cunningham and received a significant term of imprisonment. The relationship had been characterised by domestic abuse after excessive alcohol consumption. An incident where Olivia was the victim in June 2018, when Arthur was not present prompted a Children in Need<sup>2</sup> assessment by Birmingham Children's Trust (BCT). It concluded with no further action required for the Trust, but with recommendations for help and support from other agencies.

Following his mother's arrest, Arthur was cared for by his father. A further Children in Need assessment by BCT also concluded with no further action for the Trust.

Arthur's father was assessed to be a 'protective factor' for him. They lived with Arthur's paternal grandparents and Arthur moved to a new school and settled well. He made good progress in his learning, made friends quickly, and engaged in sporting and other opportunities in school. School was a positive place for him with staff who knew Arthur and his family well.

Initially Arthur had telephone contact with his mother three times a week. In October 2019, his father stopped the contact between Arthur and his mother, and the maternal extended family. In December 2019, his mother initiated the process to establish contact arrangements with Arthur again through a Child Arrangement Order<sup>3</sup>. The Child and Family Court Advisory and Support Service (CAFCASS)<sup>4</sup> became involved with Arthur

Father and school noted escalating concerns about Arthur's behaviour and emotional well-being in the autumn of 2019 which led to a referral to SOLAR<sup>5</sup> (Child and Adolescent Mental Health Service) from his GP in January 2020. Arthur was assessed for specialist support on 4th March 2020 but was not offered a service. On the same day, Arthur was seen by a CAFCASS officer in the course of the completion of a Section 7 report for the Family Court. The report in April 2020 recommended that Arthur should have only indirect contact with his mother in the form of letters.

In autumn 2019 Thomas Hughes had begun a relationship with Emma Tustin. She was previously known to children's social care and other agencies in Solihull, including the police, Community Mental Health Team and Solihull Community Housing. There was a history of DA with Emma Tustin as both victim and perpetrator. Emma Tustin had four children, two of whom continued to live with her. It is not clear about the extent to which Thomas Hughes knew about Emma's previous history, and Arthur's wider family were not aware of these issues.

On 23rd March 2020 Thomas and Arthur moved into Emma Tustin's home, when the UK entered the first period of national lockdown during the COVID-19 pandemic. Family members report that the arrangement was put in place due to the announcement of lockdown. Like most children, Arthur was not attending school, having not been classified within the group of vulnerable children identified to continue with daily school attendance. The school was not aware of the details of father's new partner or that Arthur was no longer living at his grandparents' address.

On 14th April, Arthur and his father stayed overnight at the paternal grandparents' house following a disagreement between Thomas and Emma, which led to Thomas leaving the house with Arthur. Emma later sent Thomas a text message threatening suicide; Thomas sent Emma a hostile text message in reply.

On 15th April, when Thomas was unable to contact Emma, whose phone was turned off, he filed a missing person report with the police. During subsequent enquiries by the police, Arthur was seen and deemed to be safe and well with his father at his paternal grandparents' house. Emma was located later the same day by the Birmingham and Solihull Street Triage team and declined the offer of referral back to the Community Mental Health Team.

On 16th April, Thomas and Emma reconciled and Thomas and Arthur returned to Emma's address, despite strongly expressed misgivings from paternal grandparents, who were concerned about the return to an abusive situation for Arthur. This was the last occasion that Arthur was seen by his wider family until the day of his death.

Late evening on 16th April, Arthur's paternal grandmother contacted the Solihull Emergency Duty Team (EDT) regarding bruising to Arthur's back and scratches on his face that she had noticed when Arthur had been staying. She questioned the explanation given by Arthur's father that the bruising was a result of a playfight between Arthur and Emma's son. In response to this referral, the EDT contacted the police and requested a welfare check that evening. The police did not consider that such a visit was necessary as Arthur had been seen safe and well the previous day. The EDT advised Arthur's paternal grandmother of the police response and assured her that her referral would be considered by the Solihull MASH the following day.

On 17th April, having reviewed the paternal grandmother's referral and the observations from the police who had seen Arthur safe and well the previous day, Solihull MASH decided that the concerns about bruising warranted a home visit. According to the social worker's case recording from the visit, a scratch on Arthur's face and a faded bruise on his back were observed. No safeguarding concerns were identified from the visit.

Family members continued to express their concerns. There were further contacts to children's social care, the police, and Arthur's school. Photographs of the bruising on Arthur's back, taken by Arthur's paternal grandmother when Arthur and his father had stayed for two nights at her home, were emailed initially to the police by another family member, two days after the photographs were taken. The photographs were not passed on by the police to the Solihull MASH, which subsequently received them from Arthur's maternal grandmother seven days after the home visit by children's social care.

On April 24<sup>th</sup>, the photographs were considered by children's social care once they arrived in the MASH from Arthur's maternal grandmother the photos indicated more extensive and severe bruising than the practitioners reported seeing during their visit on 17th April. This was a very significant moment to re-assess the risk to Arthur in the light of important new evidence of potential physical abuse. The concern and uncertainty on the causation and timing of these injuries should have prompted a strategy discussion and advice sought from health professionals. Instead, it was concluded that the bruising seen in the photographs could be consistent with the adults' explanation that there had been a playfight between the two boys. Accordingly, it was decided that no further investigation was needed in relation to the family's concerns about bruising. It was hoped that the family would consent to an offer of 'life story' work with Arthur, which would be an opportunity to monitor and escalate any safeguarding concerns.

At the end of April, Arthur's father declined the offer of 'life story' work with Arthur. Thomas stated that he had a good relationship with the key worker in school, who was in contact weekly, and he could speak with them if he needed help with Arthur's behaviour. The case was closed to children's social

care. The home visit in mid-April was the last time that Arthur was seen by any professional until the day of his death.

Having been advised by children's social care about Arthur's new address, school contacted father and spoke to Arthur at the end of April. Father was offered support strategies from the school's lead for Social, Emotional and Mental Health (SEMH) when he talked about struggling with Arthur's behaviour. Thomas confirmed that he would be taking up the offer of a school place for Arthur when school re-opened in June.

On June 8th Arthur did not attend school as planned. Thomas advised the school that Arthur was unwell and would look to return later in the week.

On June 11th, Thomas spoke to the school office and shared increasing concerns about his son's well-being – he had lost interest in eating and was lethargic. The school's Designated Safeguarding Lead (DSL) later spoke to Thomas and advised that he contact his GP. On the following Monday, the DSL made a referral to the School Nursing Service. Thomas notified school that Arthur would not be returning until June 18th as there would be two days of celebrations for his partner's birthday. The GP made two attempts at telephone consultation with Thomas but the calls failed, and there was no option to leave voicemails.

On 16th June, emergency services were called to Emma Tustin's address in response to a report of Arthur being in cardiac arrest. Arthur had sustained a substantial head injury. The ambulance crew raised concerns regarding Arthur's presentation. He was described as looking unkempt, with bruising on his body. Arthur was conveyed to hospital and a CT scan found that he had sustained a devastating and fatal head injury. It was not possible to stabilise him and he died of his injuries. Arthur died in the early hours of the following morning.

The explanations for Arthur's injuries given by Thomas Hughes and Emma Tustin were not considered plausible. They were arrested and subsequently charged with the offence of causing or allowing the death of a child. In court proceedings concluded on 1st December 2021, Emma Tustin was convicted of murder and Thomas Hughes of manslaughter.

Evidence from video footage and text messages seen at the criminal proceedings revealed a shocking scale of physical abuse and neglect suffered by Arthur. A total of 130 bruises were found on Arthur's body at the time of his death. Blood tests indicated very high levels of sodium, suggesting the possibility of salt poisoning, for which Emma Tustin was convicted. In the days leading up to his murder, CCTV footage showed that Arthur had been forced to stand to attention alone in the hallway of the house for most of the day, without water. He was made to sleep downstairs on a hard floor without a mattress. This was the pattern of Arthur's life for many weeks before his death, with no contact from family members or friends, and out of the sight of children's social care, school, and other public services.

After March 2020, Arthur lost the contact and support of loving family members who adored him. Family members suspected Arthur may be at risk and did everything they could to try and speak up for Arthur. They contacted every agency they could think of – children's social care, school, police – and some several times. But their voice was not heard.

Professionals regrettably had very limited understanding of what was happening to Arthur and what his life was like when he and his father were living with Emma Tustin. The decision by children's social care not to investigate formally and fully the allegations of bruising any further, together with Thomas Hughes' choice not to take up 'life story' work, were pivotal moments when crucial decisions were made.