First-tier Tribunal Care Standards

The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008

2024-01192.EY-SUS
Neutral Citation Number: [2024] UKFTT 00776 (HESC)

Hearing: 22 August 2024
Venue: Remote hearing via CVP

BEFORE:
Ms Shelley Brownlee (Tribunal Judge)
Ms Marilyn Adolphe (Specialist Member)
Ms Kerena Marchant (Specialist Member)

BETWEEN:

Ms Marcia Janice Steele

Appellant

-v-

Ofsted

Respondent

DECISION

Representation:
Ms Marcia Steele represented herself.

Ofsted was represented by Mr Praveen Saigal, solicitor advocate, PS Law LLP, instructed by Ofsted.

The Tribunal heard oral evidence from the following witnesses for Ofsted:

- Mr Darris Thomas, high court enforcement officer.
- Miss Karen Dover, high court enforcement officer.
- Ms A, parent of a child previously minded by Ms Steele.
- Mrs Emma McCabe, early years senior officer.
- Mrs Sarah Stephens, early years senior officer.

The Tribunal heard oral evidence from the following witnesses for Ms Steele:

- Ms C, parent of children previously minded by Ms Steele.

- Ms Steele.

The appeal

1. This is an appeal by Ms Steele ('the Appellant'), a childminder, against a decision made by Ofsted ('the Respondent) on 19 July 2024 and notified to Ms Steele on 19 July 2024 to suspend her registration under section 69 of the Childcare Act 2006 and The Childcare (Early Years and General Childcare Registers (Common Provisions) Regulations 2008. The suspension applied to Ms Steel's registration on the Early Years Register, the compulsory part of the Childcare Register and the voluntary part of the Childcare Register. The suspension took effect immediately and is due to expire on 29 August 2024.

2. On 1 August 2024, the Appellant sent her appeal against the decision to the First-tier Tribunal. The appeal was case managed and listed for a remote hearing (video) on 22 August 2024.

The hearing

3. This was a remote hearing held on video. There were no significant connectivity issues.

Relevant background

4. The Appellant is a registered childminder with the Respondent. She has been registered since 8 March 2011, initially from an address in Shefford, Bedfordshire. Since registration, the Appellant has changed her registered address on at least nine occasions and as of13 June 2024, her registered address is in Biddenham, Bedfordshire. The Appellant was last inspected by the Respondent on 5 September 2022 and her provision was judged as 'good'.

5. On 13 March 2024, the Respondent received concerns from the parent of a child. It was reported to the Respondent that the Appellant had been providing childminding services at her previously registered address in Wootton, Bedfordshire on 12 March 2024. It was reported that minded children had been present at the address when bailiffs and the police were in attendance. The parent advised that after picking up his daughter from the address in the evening of 12 March 2024, he was approached by a letting agent who had been stood on the street. The letting agent informed him that the bailiffs had been at the property since 10 am on 12 March 2024 trying to evict the residents of the property, namely the Appellant. The parent spoke to the police who confirmed the position. He left and returned at 7 pm on 12 March 2024 and saw that the police were taking children from the property and into police cars. He confirmed that the Appellant had contacted the parents in a WhatsApp group to notify them that from 13 March 2024, one of the parents had offered their home to be used for the Appellant's childminding services.

6. The Appellant failed to notify the Respondent of what had happened on 12 March 2024 at the address, or her plan to operate from an unregistered address. She first notified the Respondent of events on 12 March 2024 on 25

March 2024, in which she explained she was the victim of an attempted unlawful eviction and criticised the actions of the bailiffs (high court enforcement officers) and the police.

7. An urgent case review meeting took place on 13 March 2024 and the Respondent made the decision to suspend the Appellant's childminding registration for a period of six weeks due to the risk of harm to children and to give the Respondent time to investigate the concerns.

8. On 15 March 2024, the Respondent received further concerns about 12 March 2024 from a second parent. The parent stated that the Appellant knew in advance that the bailiffs were attending on 12 March 2024 and did not contact parents to notify them. It was further alleged that the Appellant contacted parents and invited them to allow their children to stay for a 'sleepover'.

9. On 15 March 2024, the Respondent attended a Joint Evaluation Meeting ('JEM') convened by the Local Authority Designated Officer ('LADO') where information was received that there was an active police investigation. Following that meeting, the Respondent embarked on its own lines of inquiry, including speaking with the landlord of the Wootton house who indicated that it had been let to the Appellant's parents and a possession order was granted in December 2023 and bailiffs appointed. The landlord reported that he was unaware that the Appellant had been living at the house. The Respondent had received a notification from the Appellant that her new registered address would be the address in Wootton – notified on 27 July 2022 and household members declared at that time were the Appellant's two adult daughters. The Respondent subsequently spoke with the police who confirmed that the Appellant had previously been evicted from a property in Wixams, Bedfordshire, in July 2022. The Respondent had not been informed of this at any stage prior to the disclosure from the police in April 2024.

10. On 24 April 2024, the period of suspension was extended by the Respondent for a further six weeks to 4 June 2024 to allow for further inquiries with bodies. On 8 May 2024, the Appellant notified the Respondent of having secured temporary accommodation as she awaited the completion of a house purchase. She confirmed a willingness to meet with the Respondent and a meeting was arranged for 4 June 2024. On 3 June 2024, the Appellant emailed the Respondent to explain she wouldn't be able to attend the meeting as she was unwell.

11. On 14 May 2024, the Appellant informed the Respondent that she would be taking an eight week break from childminding. On 31 May 2024, the Respondent held a case review meeting and decided to lift the suspension on the basis that the risk of harm to children would be low was the Appellant did not wish to childmind for a period of two months.

12. Subsequent appointments were offered on 12, 20 and 21 June and 25 July 2024 and not taken up by the Appellant for various reasons. The Appellant and Respondent are due to meet on 27 August 2024.

13. On 19 July 2024, the Respondent attended a further LADO JEM meeting to review the police body worn footage from 12 March 2024. Following the review of the footage the Respondent held a case review meeting and decided to suspend the Appellant's registration or six weeks. the police body worn footage confirmed that children were present during a protracted repossession process and children had to be taken to a police car, into protective police custody. The Respondent was concerned about the Appellant's decision-making on the day in question and how she had assessed risk.

14. Between 22 and 26 July 2024, the Respondent carried out a review of the body worn footage from the high court enforcement officers (over the course of the day; footage from three high court enforcement officers).

15. The Appellant has indicated that she is now residing at a new rental property and intends to offer childminding services from that property from the Autumn term.

The legal framework

16. The statutory framework for the registration of childminders is set out in the Childcare Act 2006 (as amended) ('the Act'). Section 69(1) of the Act provides for regulations to be made dealing with the suspension of a person's registration. The relevant regulations are 6 to 11 of the Childcare (Early Years and General Childcare Registers) (Common Provision) Regulations 2008 ('the Regulations). The section also provides that the Regulations must provide a right of appeal to the First-tier Tribunal.

17. When deciding whether to suspend a registered provider's registration, the test to be applied by the Respondent and this Tribunal, on an appeal, is set out at Regulation 9 of the Regulations. It is: 'that the Chief Inspector reasonably believes that the continued provision of childcare by the registered person to any child may expose such a child to a risk of harm'. 'Harm's is defined in Regulation 13 as having the same definition as in section 31(9) of the Children Act 1989: 'ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill treatment of another'.

18. It is not necessary for the Tribunal to be satisfied that there has been actual harm or even a likelihood of harm, but merely that a child may be exposed to a risk of harm.

19. The immediate duration of a suspension under Regulation 7 is for six weeks. However, it may be extended to 12 weeks. Pursuant to Regulation 8, suspension may be lifted at any time if the circumstances described in Regulation 9 cease to exist. This imposes an ongoing duty on the Respondent to monitor whether the suspension remains necessary.

20. The Tribunal stands in the shows of Ofsted at the date of the hearing. The first issue to be addressed by the Tribunal is whether, as at the date of the hearing, it has reasonable cause to believe that the continued provision of

childcare by the Appellant to any child may expose such a child to risk of harm ('the threshold test'). If it concludes that it does, it must consider whether suspension is a necessary and proportionate response.

21. The burden of satisfying the Tribunal that the threshold test at Regulation 9 is met rests with the Respondent. The standard of proof is 'reasonable cause to believe' and that falls somewhere between the balance of probabilities test and the 'reasonable cause to suspect' test. The belief is to be judged by whether a reasonable person, assumed to know the law and possessed of the information would believe that a child may be exposed to a risk of harm.

Preliminary and post hearing issues

22. At the beginning of the hearing, the Tribunal made an order under Rule 14(1)(b) prohibiting the publication of any matter likely to lead members of the public to identify any person whom the Tribunal considers should not be identified. As a result of the order, this published decision refers to the parents of children cared for by Ms Steele using an anonymity key of Ms A, Mr B and Ms C.

23. There were two documents served by the Respondent, by way of late evidence, on 20 August 2024: the judgement from Luton County Court dated 12 March 2024, referring to an application from Ms Steele for a stay in the proceedings (an application dated 11 March 2024). The stay was refused on 12 March 2024. The Respondent also wished to rely upon an email exchange with Bedford Borough Council Children's Services social worker, Ms Theresa Kambani, dated 31 July 2024. In the email exchange, Ms Kambani indicated that Bedford Social Services did not complete a risk assessment and did not agree for the children to remain at Ms Steele's house and also that no eviction would occur while children were present.

24. Ms Steele explained that she did not object to the Tribunal admitting the documents, as long as some additional documents which she provided to the Tribunal on 21 August 2024 were also admitted. Mr Saigal indicated that the Respondent did not object to Ms Steele's documents being admitted by the Tribunal. As a result, the Tribunal admitted and considered the Respondent's two documents set out at paragraph 23 above and a bundle running to 48 digital pages of documents from Ms Steele. The documents included Ms Steele's application to Luton County Court, dated 11 March 2024, to stay the eviction scheduled for 12 March 2024. In Ms Steele's application, she explained that seven days' notice of the eviction was given to her family member, but not to her as a tenant. The Appellant also provided email correspondence with the Respondent and correspondence relating to a complaint against Bedfordshire Police, first made to the IOPC on 19 August 2020, correspondence relating to a claim against Bedfordshire Police which was concluded in May 2024, a brief transcript prepared by Ms Steele and a number of screenshots of text messages and an extract from an earlier hearing at Luton County Court (27 November 2023) at which Ms Steele appeared to be assisting her family member in relation to the repossession proceedings.

25. The Tribunal admitted all of the documents and considered them, to the extent that they were relevant to the decision.

26. During her oral evidence, Ms Steele asserted that she had permission to provide childminding services from the rental property at which she is currently residing (and the rental property from which she has notified the Respondent of an intention to provide the services). The Tribunal had the registered address for Ms Steele as her current address in Biddenham – confirmed by an Ofsted certificate of registration dated 7 August 2024. The Tribunal had an extract from the signed assured shorthold tenancy agreement, but this did not take the issue of permission from the landlord further forward. Ms Steele stated that she had permission in the form of an email from her landlord, but it was not in the hearing bundle. The Tribunal gave Ms Steele permission to send the email to the Tribunal by no later than 6 pm on the day of the hearing.

27. At 5.55 pm, Ms Steele sent the Tribunal an email exchange which confirmed that on 15 June 2024, the property management consultant indicated to Ms Steele that formal permission could not be given to child mind at the property in Biddenham. The Tribunal took this document into account. Ms Steele also sent screenshots of text messages which confirm that on 10 June 2024, she notified two parents that she did not have permission to operate the childminding service from the property.

Evidence

28. In addition to the late evidence, the Tribunal considered a hearing bundle consisting of 576 digital pages, the body camera footage from the three high court enforcement officers dated 12 March 2024, two video recordings made by Mr B and four video recordings made by one or more of Ms Steele's daughters.

29. The Tribunal also had the benefit of a skeleton argument from the Respondent dated 20 August 2024 and the Appellant's two skeleton arguments dated 18 and 19 August 2024, as well as two enclosures from the Appellant to her second skeleton argument. They were an extract from the Baroness Casey Review Final Report March 2023 and the Children Commissioner's Report on the strip searching of children in England and Wales (August 2024).

The Tribunal's conclusions with reasons

30. We carefully considered all of the evidence in the appeal. This included the hearing bundle, the supplementary hearing bundle prepared by Ms Steele, the video footage submitted by both parties and the late evidence submitted by Ms Steele just after the conclusion of the hearing. The Tribunal also took into account the parties' skeleton arguments (with attachments from Ms Steele) and closing oral submissions at the hearing.

Threshold for suspension

31. We consider that the test for suspension at Regulation 9 has been met by the Respondent. The Respondent presented sufficient grounds for a reasonable belief that the continued provision of childcare by Ms Steele may expose children she cares for to risk of harm or significant harm.

32. Firstly, we consider there was sufficient evidence presented to lead us to draw the reasonable belief that Ms Steele knew about the eviction in advance of 12 March 2024 and made a decision to proceed with taking seven young children into her care. The reasonable belief is based on the information contained in the hearing bundle and the oral evidence given at the hearing which confirmed and corroborated what the Tribunal had read and watched on the body worn footage from the three high court enforcement officers. It was confirmed that the previous attempt to carry out the eviction was stayed, following an application from Ms Steele, which resulted in the high court enforcement officers not attending the property. This was corroborated by the oral evidence and witness statement of Ms A, in which she explained that on a previous date in the month of February, the provision of childcare was cancelled close to the date, by Ms Steele. Furthermore, we had sight of the communication relating to Ms Steele's application to the County Court in Luton. It confirmed that Ms Steele's family member had received notification of the rearrange eviction (seven days of notice) and she must have been aware of it as she drafted an application to stay the eviction, dated 11 March 2024. Ms Steele confirmed in oral evidence that she decided to submit the application at about 8 am on 12 March 2024. The Tribunal took this evidence into account and drew the conclusion that Ms Steele knew that the eviction was planned for 12 March 2024 and, crucially for the risk assessment this Tribunal carries out, she decided to take children into her care. This was a decision she made in the knowledge that there an eviction wad due to proceed at the property on 12 March 2024 and if her application, which she did not submit until 12 March 2024, may not be successful. The court itself noted the late nature of the application.

33. Ms Steele sought to assert, consistently, that the eviction proceedings were not valid as she was a legal tenant, and she was not the defendant/respondent to whom correspondence had been attached. The Tribunal did not consider this to be a relevant point for the exercise of the risk assessment at Regulation 9. In the Tribunal's view, the Appellant was aware of the real threat of eviction on 12 March 2024 and had been aware of ongoing proceedings involving her family member (including as far back as December 2023). The Tribunal took into account Mr B's evidence that Ms Steele had sent his wife a message in which she admitted that she had known about the eviction proceedings on 12 March 2024, acknowledged that she should have informed parents/carers and cancelled all care for that day, but didn't and intended to use another property to continue providing care until she could secure a new residence.

34. Next, the Tribunal considered the oral evidence and witness statements from Mr Thomas and Miss Dover. Their oral evidence simply corroborated what the Tribunal had already seen on hours of body worn footage. From the arrival of the high court enforcement officers, at approximately 10 am on 12 March 2024, until after 7 pm on the same date, young children were present

at the property. The young children appeared to spend most of their time contained to a room upstairs at the property. The Tribunal accepted the evidence from Miss Dover and Mr Thomas that they tried not to interact with the young children as they did not want to unsettle them, but there were unavoidable times when the children had sight of them, attending the property dressed in black uniforms and with two of the high court enforcement officers wearing face masks some of the time in the property. Mr Thomas reported, and this was viewed by the Tribunal on the body worn footage, times of escalating voices and insults being used by Ms Steele, including, as an example, calling one of the high court enforcement officers a paedophile. Throughout the long day, Ms Steele had ample opportunity to share information with parents/carers/agencies, but she appears to have chosen not to do so. In failing to do this, she failed to put children in her care first. Furthermore, Ms Steele refused to share the contact details of parents/carers to ensure the children could be collected or to confirm with the high court enforcement officers and the police that she had contacted the parents/carers and to share confirmation that this had happened. It was at least in part for this reason that the police made the decision to take two remaining children into protective police custody in the evening period, which allowed the eviction process to complete.

35. Not only that, but police officers were called to the property on two occasions in the day. The Tribunal took into account the significance of the second time when the police were called to the property. This was due to the concerns of Ms A, who had attended to collect her daughter. The Tribunal found Ms A's oral evidence to be credible and highly relevant to its assessment of harm.

36. Ms A had made is clear to Ms Steele before 12 March 2024 that she would not allow her child to take part in 'sleepovers'. On the day in question, Ms A had been contacted to request that her child could stay for one hours longer than her usual pick-up time. Ms A stated that she found this unusual as it's not usually the case that a childminder wishes to keep a child for longer than the agree time. She received the text message at about 5 pm and that was the first communication she had from Ms Steele on the day. The next text message Ms A received enquired about her child staying for a sleepover. Ms A texted to ask if everything was okay and to confirm she did not agree to it. She received a 'thumbs up' reaction emoji to her text message and made the decision that something may not be right, so she attended Ms Steele's property with the intention to collect her child. The Tribunal watched the video footage of this incident. Ms A was extremely upset when she arrived. She confirmed that this was because she knew nothing of what was going on at the property and she was very concerned about the welfare of her child. By this stage, Ms Steele had left the property and had not been allowed to re-enter the property by the high court enforcement officers. At this stage, the scene at the property was chaotic and distressing and would have been upsetting to anyone, including young children, who are, by their very age, vulnerable.

37. As Ms A confirmed in her oral evidence, she would never have agreed to her

child attending the property if she knew an eviction was scheduled to go ahead on the day in question. She was distressed that she had been told nothing about the possibility of an eviction and did not know what was happening when she arrived at the property. Furthermore, when Ms A retrieved her child, her child had been placed into an adult t shirt and was wearing underwear. From Ms A's perspective, this was strange as she had sent her child there with changes of clothing. Ms A had to be escorted upstairs with Miss Dover as she did not wish to go upstairs with an escort from one of Ms Steele's two daughters. She was clearly upset and distressed throughout this incident. Furthermore, after the incident, Ms Steele has never explained what happened or offered an apology. Ms A indicated that she was immediately removed from the 'Family App' communication tool used for sharing updates and pictures of her child. She also received a 'letter before claim' which asserted that she had defamed Ms Steele. Ms A had clearly found the whole process upsetting and stressful.

38. As to her child, Ms A stated that her child had many questions after 12 March 2024, including why was there screaming and shouting and so many people in the house. She confirmed that her child still asks about her friends and is very sad about not seeing her friends.

39. The Tribunal also considered the witness statement from Mr B, which corroborates the oral evidence from Ms A and the evidence in her witness statement. Again, he confirmed that he had received no communication from Ms Steele throughout the day and had no awareness of what was going on at the property until he attended at about 5.15 pm on 12 March 2024. He asked his child about what had happened during the day, just after he had picked the child up. His child said that there were adults wearing black walking around and one of them was a man. Mr B's child confirmed that the man was not a care giver. Mr B called the police in an effort to understand what was going on. He returned to the property and was able to speak to Ms A outside of the house. Ms A had felt too upset to drive her car at that time and just after picking her child up from inside the house. Mr B observed Ms Steele losing her composure outside of the house, while children were still present in the house and with the presence of the police. At one point, someone screamed loudly as a child was removed from the house and placed into a police car. The child was crying at this point. This is clear from the video footage provided by Mr B, which the Tribunal watched.

40. The Tribunal heard evidence from the two early years senior officers to confirm the decision-making process. Ofsted took the decision to impose a further suspension order as it had, by that point, viewed the body worn footage of the police (not viewed by the Tribunal, but the footage of all three high court enforcement officers was viewed by the Tribunal), it had received confirmation that the LADO had referred Ms Steele to the Disclosure and Barring Service, Ms Steele had informed Ofsted of an intention to resume childminding at a new address and she had not been able to attend more than one meeting organised by Ofsted so that it could interview her.

41. At this stage in the investigatory process, we do not need to make any positive findings of fact in relation to Ms Steele's behaviour and decision-making. It is sufficient for there to be concerns which require an investigation so that the Respondent can reach an informed decision on whether or not to take substantive regulatory action against the Appellant's registration. In the Tribunal's view, the threshold for suspension has been met. The concerns have been raised by two parents individually, as well as the LADO for Central Bedfordshire area. The concerns have been corroborated by police body worn footage and the body worn footage from the three high court enforcement officers. In the Tribunal's view, the circumstances of the eviction process on 12 March 2024, which went on over an entire day, provide the Tribunal with reasonable cause to conclude that the incidents on that day placed children at risk of harm or significant harm. From reviewing the footage, the Tribunal noted that it was an unpleasant and entirely inappropriate environment for children and the reason the children were placed in an unpleasant environment with raised voices, insults, inappropriate language for children to overhear and physical interactions between Ms Steele, the high court enforcement officers and the police, which may have exposed them to harm, is due to the failures of Ms Steele in her decision-making process, prior to 12 March 2024. The Tribunal was left with the question of motivation and the Tribunal considers it reasonable to hold the belief that Ms Steele appears to have proceeded to take children into her care on 12 March 2024 in the mistaken belief that if she failed in her last minute stay application, she could use the presence of the children to delay and potentially halt the eviction proceedings. The Tribunal considered the evidence from Ms A and Mr Thomas and Miss Dover of relevance to this motivation, including the offer of a 'sleepover', as well as the significant fact that when Ms A attended the property, her daughter had been placed into an adult t shirt, apparently in preparation for sleepover to which Ms A had not agreed. Ms Steele refused to share the contact she said she had with various parents, even when requested to do so by the police. Events became so serious that the police had to take two young children into police custody on a protective basis in the evening of 12 March 2024. That action was entirely avoidable and occurred due to Ms Steele's ongoing failure of decision making. The Tribunal has reasonable cause to conclude that on 12 March 2024, Ms Steele did not place children at the forefront of her decision-making, and they were placed at risk of significant harm by remaining at the property, under Ms Steele's care. What the young children witnessed on that day, even in passing, would have been unpleasant, stressful and more likely than not to have caused them distress, therefore placing them in harm's way.

42. The Tribunal considers it significant that the Appellant did not notify the Respondent of what had happened on the day in question and the first contact the Respondent received from the Appellant was not until 25 March 2024, some ten days and more after the incident. The Tribunal considers that the failure to report to the Respondent appears to be part of a wider pattern of minimising the seriousness of the incident in the context of her professional registration. This was supported by the Appellant's explanation as to what happened on the day in question and her attempts to focus the

Tribunal's decision on the actions of the high court enforcement officers, the police, Social Services and even the parents of children who had no knowledge of what was going on throughout the day of 12 March. The Tribunal heard from the Appellant during her oral evidence and noted the lines of questioning she took in relation to the witnesses called by the Respondent. Notably, the lines of questioning in relation to Ms A, which included exploring with Ms A whether in fact she was the one who behaved inappropriately on 12 March 2024 when she came to collect her child. In the Tribunal's view, this approach demonstrates limited understanding of the seriousness of the events on 12 March and the Appellant's central role in the failures in decision-making on that day. This is important, as the Tribunal has to consider ongoing risk of harm to children. Due to the lack of insight demonstrated by the Appellant during the hearing, the Tribunal considers it reasonable to hold the belief that there is a risk of a failure in decision making happening again which would be likely to place children at risk of harm or at harm. This is in the context of the Appellant indicating her intention to provide childminding services, apparently at another property as she is not permitted to do so at her currently registered property. The Appellant's evidence, during the hearing, was of clear relevance to the Tribunal as it was the first time she had provided a full account, given that a number of meetings with Ofsted have been cancelled by the Appellant.

Proportionality of the suspension

43. Having concluded that the suspension threshold had been met by the evidence presented by the Respondent, we have gone on to consider the proportionality of the suspension. We have taken into account that suspension is a draconian act which has a significant impact on the Appellant's livelihood. The Appellant did not present evidence as to the level of impact on her livelihood, but nevertheless the Tribunal has little doubt that it is impacting her negatively. The Tribunal also took into account the evidence provided by Ms C, on the Appellant's behalf, as well as the Appellant's wider professional history and the many positive comments she presented from parents and the obvious impact that Ms Steele not being able to offer childminding services would have on children and parents who have had a positive experience with Ms Steele.

44. The Tribunal then took into account the potential risk of harm to children and noted that children must feel safe at all times when in the case of a registered childminder. There is an ongoing risk of harm, as there is potential for children to be place at risk of harm by what they could witness again if the Appellant failed in her decision-making, particularly relating to decisions as to the location of child-minding services and any consequences flowing from that. The risk of harm includes emotional harm at witnessing any further verbal and/or physical conflicts between adults, including Ms Steele.

45. We balance these factors, taking into account that we are not making findings of fact at this stage, but engaging in an assessment of risk. At the present time, the investigation has not yet completed and there remain very

serious concerns about the Appellant's actions and decision making, as well as the consequences of that. The Tribunal considers that the Respondent is acting diligently to pursue all reasonable lines of inquiry, including interviewing the Appellant. At this stage, it would be inappropriate to lift the suspension before the conclusion of the investigation, in light of the risk of harm to children, which continues to be engaged for the reasons set out above.

46. At this stage, we have concluded that the suspension is necessary and proportionate.

Decision

The appeal is dismissed.

The Respondent's decision of 19 July 2024 to suspend the Appellant's registration is confirmed.

Judge S Brownlee

Care Standards & Primary Health Lists Tribunal

First-tier Tribunal (Health, Education and Social Care)

Date issued: 28 August 2024