

First-tier Tribunal Care Standards Tribunal

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

**NCN: [2025] UKFTT 01004 (HESC)
2025-01552.EY-SUS**

Hearing: 19 August 2025
Venue: Remote video hearing (on the papers)

BEFORE:
Ms Shelley Brownlee (Tribunal Judge)
Mr M Cann (Specialist Member)

BETWEEN:

Loraine Margaret Hall

Appellant

-v-

Ofsted

Respondent

DECISION

Representation: This was a paper hearing, which meant there was no attendance from the parties or their witnesses.

The appeal

1. This is an appeal by Ms Loraine Hall (the Appellant) against a decision of Ofsted (the Respondent). The decision of the Respondent was notified on 30 July 2025. It was a decision to suspend Ms Hall's registration as a childminder on the Early Years Register and the compulsory part and the voluntary part of the Childcare Register.
2. The suspension period is from 30 July 2025 to 9 September 2025. The power to suspend is provided by section 69 of the Childcare Act 2006 and The Childcare (Early Years and General Childcare Registers (Common Provisions) Regulations 2008. The suspension took effect immediately and is due to expire on 9 September 2025.
3. On 31 July 2025, 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 19 August 2025. At the time of bringing the appeal, Ms Hall indicated that she was content with the Tribunal dealing with the hearing

as a paper hearing. Initially, the Respondent did not agree to this. However, on 8 August 2025, the Respondent agreed to a paper hearing.

The hearing

4. This was a remote hearing held 'on the papers'. Under Rule 27 of the Tribunal Procedure Rules 2008, the Tribunal can hold a paper hearing provided that both parties' consent and the Tribunal considers it is able to decide the matter without an oral hearing. The Tribunal applied the overriding objection (Rule 2 of the Tribunal Procedure Rules 2008) and considered the requirements of Rule 27. The Tribunal decided it was fair, just and proportionate to deal with the hearing 'on the papers', in light of the type of appeal and the agreement of both parties.

Relevant background

5. The Appellant is a registered childminder with the Respondent. She has been registered since 24 February 1994, with no previous regulatory action and three previous inspections in May 2023, July 2017 and July 2014, which all resulted in an outcome of 'good'.
6. On 30 July 2025, the duty senior officer at Ofsted (and early years senior officer, EYSO) received communication from an early years regulatory inspector (EYRI) about concerns which had been raised directly with the EYRI by the Local Authority Designated Officer (LADO). The LADO had received information about the Appellant from an external agency, which related to an incident at the Appellant's home on 23 July 2025.
7. At that stage, the information shared with the duty senior officer and the EYRI was that police had been called and attended the Appellant's home address. This is the same address which is registered with the Respondent as the location from which she provides child-minding services. The police attended the address at 15:01. There were two young-minded children present at the address at the time (ages 28 months and 32 months). They were believed to be asleep during the incident.
8. It was reported to the senior duty officer that a family member who resides at the Appellant's address had allegedly blocked the Appellant from leaving the kitchen and had become physically intimidating, barging and grabbing the Appellant and trying to take her phone from her. The family member was alleged to have punched walls, kicked drawers and to have thrown an empty travel cot down the stairs of the home, which caused a visible dent in the door frame and caused some glass to shatter on the floor of the hallway. The family member was also reported to have thrown a floor standing fan across the lounge. This incident appeared to have developed after the Appellant refused to allow the family member to have the keys to her car. The family member is said to have threatened to slash the tyres of her car.
9. It was confirmed that this was the first time the police had been called to the Appellant's address. It was reported that the family member became more

aggressive when using alcohol and/or drugs and abuse escalated if they did not get their own way. There was further information about the family member's mental health and the drugs being used – namely, cannabis and cocaine. It was reported that the Appellant had previously paid off debts accumulated by the family member, to avoid drug dealers attending her home address.

10. The police reported to the LADO/EYRI that the Appellant indicated to the police that the behaviour from the family member was not the first or the worst she had seen. The LADO also shared concerns with the EYRI that there had been previous and ongoing domestic issues relating to concerns of coercive and controlling behaviour.
11. On 30 July 2025, the Respondent held a case review meeting to consider the information from the police and the LADO. The Respondent decided to suspend the Appellant's registration as the Respondent had concluded that children may be at risk of harm in the Appellant's care.
12. On 4 August 2025, the EYRI visited the Appellant at her home address. The EYSO was present for part of the visit. The Appellant confirmed a number of details with the EYRI and EYSO relating to her family member, which broadly accorded with the reports shared from the police and the LADO. The Appellant explained that the incident was a one-off incident, and she had completed a risk assessment, following the incident on 23 July 2025, to keep children safe in her care. She explained that her family member would not be present at the home address during childminding hours. Ms Hall had decided not to support a criminal prosecution, which meant the family member was not made the subject of police bail. The EYSO reviewed the suspension and decided to retain it as she could not be assured that the risk assessment undertaken by the Appellant was sufficient to reduce the risk of harm to children in her care.
13. The parents of the two children (who had been present on 23 July 2025) made arrangements for them to attend elsewhere/begin a new stage of education.
14. The Respondent has confirmed that it is keeping the decision to suspend under review and intends to conduct further checks and interviews, including with the family member.

The legal framework

15. 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.

16. 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' 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'.
17. 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.
18. 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.
19. The Tribunal stands in the shoes 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, the Tribunal 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.
20. 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.

The Tribunal's conclusions with reasons

21. We carefully considered all of the evidence in the appeal. This included the hearing bundle of 92 digital pages. There were a number of witness statements from the Respondent and the Appellant, including witness statements from Ms Hall and her family member. We also considered carefully Ms Hall's wider regulatory history from 1994 and the testimonials provided by five parents who have used Ms Hall's services.
22. The Tribunal also took into account the Respondent's skeleton argument, dated 14 August 2025.

Threshold for suspension

23. 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 Hall may expose children she cares for to risk of harm.

24. Firstly, we considered the nature and circumstances of the incident on 23 July 2025, which are largely accepted by Ms Hall and to which she has responded with a risk assessment which place restrictions on the family member. There were two children present, and they could easily have been downstairs or in plain sight of the incident of verbal and physical aggression in a home which is supposed to be a safe and nurturing environment for the children. The impact on a child of seeing acts of physical and verbal aggression in what they understand as a safe space would, in the Tribunal's view, be significant, during the formative years of the children concerned. Furthermore, there would be a real risk of physical harm as it appears to have been luck, rather than planning, that meant the children were asleep at the time of the incident. Matters would have been quite different if a child or children were present, and they could have sustained an injury. The Tribunal also noted that it appears that it was only when the family member became aware that the police had been called, did they decide to leave Ms Hall's house. Ms Hall was not able to persuade them to leave, which is relevant to the efficacy of the risk assessment Ms Hall has completed.
25. Next, the Tribunal considered risk, currently and moving forward, as the Tribunal keenly understands that it assesses risk at the date of the hearing. The Tribunal was concerned that the family member still resides at the registered address of Ms Hall. The Tribunal understand that Ms Hall has reached an agreement with the family member that they will not be present during the childminding hours, but this does not, in the Tribunal's view, provide a robust assurance on future risk. It is no way prevents the family member from deciding that they are going to attend the home address when they wish. The Tribunal had sight of the witness statement from the family member, in which they indicate they will adhere to the risk assessment. However, the Tribunal notes the evidence from Ms Hall, which indicates that she had tried to help the family member before, by funding counselling, for example, and yet the incident on 23 July 2025 still occurred. Furthermore, the Tribunal has ongoing concerns about the ability of the Appellant to manage risk relating to the family member, given that the family member appeared at the house on 23 July 2025 with little to no warning and appears to have been able to physically restrict and/or intimidate Ms Hall (by blocking her from leaving a room in her own home).
26. In the Tribunal's view, given the proximity of the incident of physical and verbal aggression, as well as the limited, verifiable information about the steps taken by the family member to address the alcohol and/or drug misuse and the root causes of the misuse, the Tribunal cannot conclude that there is no longer a risk of harm to children in the care of Ms Hall.
27. The Tribunal considered the timeline relating to the incident. The reason this is important is that the risk assessment proposed by Ms Hall relies upon her to supervise it. The Tribunal considered it relevant that Ms Hall did not

immediately inform Ofsted of the fact of the police attending her home address while children were being cared for. The Respondent had to wait from 23 July, until 30 July, when contact was received from the LADO and the police. This does not instil confidence in the Appellant's ability to manage restrictions of her family member in a proactive and transparent manner. The Tribunal also had information before it that the Appellant has decided not to cooperate with the police investigation into the family member's behaviour on 23 July 2025. This leads the Tribunal to conclude that the Appellant may find it difficult to manage information share and the enforcement of any restrictions she has designed in her risk assessment. Decision-making as to risk may be compromised by long-standing family connection, in a context where the family member is dealing with abuse/addiction issues.

28. The Tribunal was reassured to note that the Respondent continues to keep the suspension under review, with a plan to secure additional information to inform risk, including by interviewing the family member and considering independent, verifiable information about the family member's health. This is evidence which will be relevant to the assessment of future risk, including any reduction of risk and the practicability of other forms of regulatory response from Ofsted.

Proportionality of the suspension

29. 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.
30. The Tribunal paid regard to the Appellant's wider regulatory history, noting that she has been registered without incident since 1994. However, in the end, the threshold test for the imposition of suspension concerns the nature of the allegation which gave rise to concern and its relationship with risk, moving forward. The Tribunal considered if suspension remained proportionate when balanced against the nature of the allegation and the significant impact the suspension is having on Ms Hall. The Tribunal decided that the continuing risk of harm to children in the care of Ms Hall outweighed the financial and reputational impact on Ms Hall at the present time.
31. 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 care of a registered childminder. There is an ongoing risk of harm, as there is potential for children to be placed at risk of harm by what they could witness or experience if the family member attended their home and the home of Ms Hall again without being able to regulate their emotions, for whatever reason, which would impair their decision-making and actions.

32. We balanced 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.

33. At this stage, we have concluded that the suspension remains necessary and proportionate.

Decision

The appeal is dismissed.

The Respondent's decision of 30 July 2025 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: 20 August 2025