

## Care Standards

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

Heard on 29, 30 September and 6 November 2015 at Pocock Street

#### BEFORE

Helen Clarke Judge  
Sally Derrick Specialist Member  
Michael Flynn Specialist Member

[2015] 2428.EY

#### BETWEEN:

Miss Abimbola Adams

Appellant

-v-

Ofsted

Respondent

#### DECISION

#### Representation

The Appellant was represented by Mr Offormezie Solicitor  
The Respondent was represented by Mr O'Toole (Counsel)

#### Reporting order

1. There shall be a Restricted Reporting Order under Rule 14(1)(b) of the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008 ('the 2008 Rules') prohibiting the publication (including by electronic means) in a written publication available to the public, or the inclusion in a relevant programme for reception in England and Wales, of any matter likely to lead members of the public to identify any child or its family mentioned in the appeal.

#### 2. The Appeal

The Appellant appeals under S74 of the Childcare Act 2006 (the 2006 Act) against a decision of Ofsted dated 7 April 2015 to cancel her registration childminder. On 17 March 2015 Ofsted notified the Appellant of their intention to cancel her registration. The reason for cancellation of her registration was because Ofsted no longer believed that the Appellant was suitable to remain registered as a childminder, because of a number of concerns including:

- a) inconsistent, inaccurate and misleading information provided by the Appellant to Ofsted,
- b) minded children being left with unvetted adults
- c) an incident involving the inappropriate management a young child whilst attending a children's centre
- d) attempting to hide children from Ofsted during an unannounced inspection

### 3. THE LAW

The legal framework for the registration and regulation of childminders is to be found in Part 3 of the Childcare Act 2006. (the 2006 Act).The requirements are prescribed by the Childcare (Early Years Register) Regulations 2008 and include, that the person registered is suitable. Section 68 (2) of the 2006 Act enables Ofsted to cancel a person's registration if it appears that this requirement cannot be satisfied. Section 74 (1) of the 2006 Act provides a right to appeal to this Tribunal.

The legal burden remains vested with the Respondent to prove on the balance of probabilities all those facts and matters it relies upon to justify cancellation as at the date of the hearing. The Tribunal must be satisfied that the decision to cancel registration is a proportionate response by the Respondent to the matters proved. The process of cancellation of the Appellant's registration as a child minder also constitutes an interference with her Article 8 right to privacy and a family life and any interference with that right must be both in accordance with the law and necessary. The decision must be made on the basis of all the evidence available to the Tribunal at the date of the hearing, and is not restricted to the matters available to Ofsted when the cancellation decision was taken

### 4. BACKGROUND

The Appellant was registered with Ofsted on 19<sup>th</sup> July 2012 to care for children at her home address in London (the property) where she lives with her husband and three children. Under the Statutory Framework for the Early Years Register a child minder may care for a maximum of six children under the age of eight. Of those six, a maximum of three may be 'young children' (up until 1<sup>st</sup> September following their fifth birthday) and the numbers include the child minder's own children and any other children for whom they are responsible. The Appellant received only one full inspection by Ofsted on 1<sup>st</sup> April 2014 when she was classified as "requires improvement".

5. On 11 November 2014 Ofsted received an email which raised specific concerns about the Appellant's behaviour towards a 17 month old child in her care whilst attending a play session at the Gainsborough Children's Centre in Hackney (the Centre) .It was

alleged that the Appellant had left the child to wander around in a distressed state and had been heard by another childminder to say "shut up" to the child

6. On 11 December 2014 Julia Crowley (JC) a Regulatory Inspector with Ofsted made an unannounced visit to the Appellant's property but was unable to gain entry but subsequently made contact with the Appellant by telephone and arranged to revisit the property on 15<sup>th</sup> December 2014. When JC revisited the property on 15<sup>th</sup> December 2014 there were no minded children visible and the Appellant said that she only had one child on the roll. The Appellant said that on 11 November 2014 the child had been upset when they had attended the Centre, she denied saying shut up to the child and said that she and her friend BP who was with her had tried to comfort the child.

7. Ofsted was then contacted on the same day by the Hackney Learning Trust (HLT) with further information which had been received from a member of the public which suggested that the Appellant was regularly over minding children and that the children were hidden when Ofsted visited. Ofsted decided to make a further unannounced visit the following day.

8. JC arrived at the property at 3.40 pm on 16 December 2014 and knocked on the door three times; she then looked through the letterbox and saw several young children being led downstairs. JC then stated that she was from Ofsted and that the door must be opened or he would call the police. When the Appellant eventually opened the door her own three children were present but no other children were visible and initially the Appellant denied that any other children were on the premises. After further questioning the Appellant admitted that she was minding five children.

9. A man then appeared in the back garden of the property holding a young child and asked the Appellant if the child was one of her children. The Appellant replied that the child as a friend's child who was next door visiting her neighbour. JC then followed the Appellant into the next door house where she handed the child to her friend. Six children were then discovered sitting on the landing with the neighbour's husband. When JC and the Appellant returned to the Appellant's home the Appellant admitted that she had been minding children that day but gave no reason why she had not said this on the previous day.

10. The Appellant was notified by Ofsted that her registration was suspended on 18 December 2014. The Notice of Intention to cancel her registration as an Early Years provider was sent to the Appellant on the 17 March 2015 pursuant to Section 73(2) of the Childcare Act 2006. The Appellant submitted written submissions supporting her objection to the proposed cancellation to the objection hearing but these were dismissed by Ofsted on 2 April 2015.

11. On the 7 April 2015, the Appellant was sent a Notice of Decision to Cancel her registration under section 68 of the Childcare Act 2006. On the 11 May 2015, the appeal against the decision to cancel the Appellant's registration was received by the First Tier Tribunal (Care Standards).

12. During a telephone case management hearing on 23<sup>rd</sup> July 2015 the Appellant clarified her position with regard to the allegations set out to the Respondent's Response to the Appeal dated 17 June 2015

The Appellant accepted that she had:-

- 1) Left minded children with unvetted adults
- 2) Placed other minded children at risk of contact from unvetted individuals
- 3) Provided false documentation to Ofsted
- 4) Told her own children and minded children to shut up and called her minded child a cry baby
- 5) Consistently lied to Ofsted

The Appellant disputed that she had:-

1. Regularly used individuals effectively as her assistants without carrying out any necessary checks on them and stated that GA only helped out in emergencies and did not assist her and that YR is a neighbour who did not assist her.
2. Minded more children than she was permitted
3. Hidden children from Ofsted and other agencies when visits were carried out. The Appellant accepted that a minded child was left unattended in the back garden of a neighbouring property, but this was not caused by her attempting to hide the child.
4. The Appellant disputed that she had not been honest with Ofsted about the number of children she was minding, their names and who had been working with her.

13. As the Appellant had been unrepresented during the telephone case management hearing on 23<sup>rd</sup> July 2015 but had then obtained legal representation prior to the tribunal, the Appellant's representative was asked and he confirmed at the beginning of the hearing that the position as to the disputed points as stated above and agreed in the case conference remained unchanged.

14. During a telephone case management hearing on 3<sup>rd</sup> November 2015 it was agreed that it was not necessary for the Tribunal to see the Hackney Social Services report on allegations about the Appellant's behaviour to her own children as the allegations had not been substantiated. The Respondent was not seeking to rely on the report but the Appellant wanted the outcome of the report to be noted by the Tribunal.

### **The Evidence**

The Tribunal heard oral evidence from 11 witnesses and the Appellant who all gave their evidence on oath or affirmed. The written evidence including late written evidence submitted by both parties was read and carefully considered by the Tribunal

15. DG

DG gave evidence concerning the events that took place on 10<sup>th</sup> November 2014 at the Centre. She described how she had picked up the Appellant's child because it had been on the floor and had been crying and that she had been surprised that the child was reluctant to go back to the Appellant. DG said she was approximately 2 to 3 metres away from the Appellant when she heard her say "shut up" to the child. DG was a credible, thoughtful witness whose concern for the wellbeing of the children at the Centre was apparent.

16. YH

YH was also at the Centre on the 10<sup>th</sup> November 2014 where she was running a separate music therapy session for parents and their children and the session was not open for child minders to attend. YH described how an unaccompanied young child had come into the music session. The Appellant subsequently entered the room and when YH tried to return the child to the Appellant the child had become distressed and had clung to her and was reluctant to return to the Appellant which had surprised YH.

17. JL

JL another child minder who was also at the Centre on 10<sup>th</sup> November 2014 said she had noticed that the Appellant's child had been on the floor and had been distressed and crying and so eventually she had intervened and picked the child up. When JL tried to give the child back to the Appellant the child appeared to be frightened and wanted to stay with her which had surprised her. Under cross examination she had said that the child had been distressed and that is why she had picked it up. Towards the end of the session DG had told her that the Appellant had told the child to shut up which she thought was terrible and she had therefore reported it to JJJ.

18. JJJ

JJJ is the manager of the Centre and gave evidence concerning the registration procedure as well as an account of her involvement in the events that took place on 10<sup>th</sup> November 2014.

19. JJJ explained that there was a procedure for registration when attending the child minders session which took account of the fact that different children might attend on different days with the same child minder. As a result there was a procedure whereby when new children attended the names of the new children would be written into the system. Those children who had previously attended and had been recorded as in the system would have a sticker to demonstrate that they had attended on a previous occasion. She stated that child minders assistants were permitted to attend but the usual procedure was to ask for documentation to check that they were registered and in the system.

20. JJJ stated that she had approached the Appellant as she was leaving the session and mentioned that someone had said that she had said "shut up" to a child. The Appellant denied this but said that the child was a cry baby but that she had cried because it was her first day with the Appellant. She then asked the Appellant whether she was on the network of child minders and asked for the name of her network co-ordinator, the Appellant said it was Grace, but this subsequently turned out to be incorrect. JJJ then contacted Ofsted and

expressed her concerns about the Appellant's behaviour to a child in her care when she attended the Centre and the incorrect information that she had given regarding her network coordinator

Liz Corr (LC)

21. LC is the Welfare Standards Officer at the HLT and her role was to provide support for newly registered child minders. She stated that the Appellant had received considerably more support than was usually needed for new child minders in her situation. LC had found it difficult to make contact with the Appellant and had needed to leave several messages trying to arrange visits. On the 30<sup>th</sup> April 2014 she had visited the Appellant and had discovered that a child was starting that day, but the Appellant was unable to provide any documentation for that child, which concerned her because if Ofsted had made an unannounced visit when the child was there the Appellant, would have been deemed inadequate.

22. LC also stated that she had been concerned about the number of children that were being minded on the property and whether the Appellant fully understood that her own children counted when they were at the property. The Appellant had said that her husband was an assistant but LC had never seen him and she had reminded the Appellant that he needed to be present if he was her assistant.

23. On 20<sup>th</sup> December 2013 in the morning the Appellant had called in at HLT offices with some recent documentation and LC had considered this to be positive step by Appellant. Later that same day LC called unannounced at the Appellant's property to deliver some information where it was apparent that there 6 children in the property , including her own three children, and that all of them appeared to be under five years old. The Appellant was unable to provide documentation for one of the children being minded. Under cross examination LC disagreed with the assertion that she had failed to give the Appellant enough time to improve her records

Susan Will (SW)

24. SW is the Early Childhood senior officer for the London region for Ofsted and she made the decision based on the information provided to initially suspend the Appellant as a childminder and subsequently to cancel her registration as a child minder.

25. In her evidence SW raised concerns about the numerous contradictions in the information provided by the Appellant. The lies and untruths raised serious concerns about the Appellant and meant that other options, such as further training were not available as it is fundamental to the question of suitability to be a child minder that she was and is truthful.

26. Ofsted had found it very difficult to keep abreast of the number of children minded by the Appellant and the names of the individual children and as became apparent on 16<sup>th</sup> December 2014 the Appellant had lied and had changed the numbers and the names to try and suit the situation.

Julia Crowley (JC)

27. JC is an Inspector with Ofsted and gave a detailed account of the events that took place on 16<sup>th</sup> December 2014 when she had made an unannounced visit to the property. The Appellant had only opened the door after she had repeatedly knocked on the door and had looked through the letterbox and then stated that she was from Ofsted. JC said that she could see as she looked through the letterbox several young children coming down the stairs. Once inside the property the Appellant had initially told JC that she was not minding any children on the premises. A man then appeared from the rear of the property holding a young child who had wandered into the next door garden. The Appellant told JC that the child was not being minded by her but belonged to a friend who was visiting her neighbour YR. JC then went to YR's house where she head counted the children in the kitchen diner and counted 8 children. The children dispersed around the house as she spoke to the Appellant and YR; she subsequently discovered six children sitting on the landing with WR, the husband of YR.

28. JC's account of attending at the Appellant's property and trying to gain entry when initially no-one responded to her knocks on the door was both detailed and plausible. She also gave evidence concerning the subsequent interviews with the Appellant that took place following the Appellant's initial suspension and the request for a complete list of names of children who the Appellant had minded.

29. JC's evidence was that the Appellant's husband was not present when she visited the property on either 15<sup>th</sup> or 16<sup>th</sup> December 2014 but that the Appellant on 16<sup>th</sup> December 2014 had contacted him by phone. When questioned by the Tribunal JC said that if the Appellant's husband was a registered assistant it meant that the Appellant could have additional numbers but the precise number would depend on there also being appropriate space and facilities for the additional number of children.

#### Witnesses on behalf of the Appellant

30. RO

The Appellant's husband, RO stated that he worked night shifts between Thursday and Sunday but that he was available to play with the children, including taking them to the swings, playing football and to the cinema.

31. RO said that he had opened the door to JC on 15<sup>th</sup> December 2014 and had then called up to his wife, who came down the stairs, and spoken to JC. When Counsel for the Respondent challenged him as to why there was no mention of him being present on 15<sup>th</sup> December 2014 in his wife's witness statement or his own he had no explanation for the omission. JC said that in December 2014 there were approximately five children in total on the roll.

32. JC described GA as the wife of his uncle. RO said that two children were on the premises on 16<sup>th</sup> December 2014 when he left one of whom was (D). RO said that he had met (D) several times as his mother brought him regularly to be looked after. On 16<sup>th</sup> December 2014 when he returned the Appellant told him that D had got lost in the garden. He told the Tribunal that he did not believe that the kids had gone next door and said that most of the children who were next door were not being minded by his wife.

33. Under cross examination and during questioning by the tribunal RO said that he was not sure which children were in the premises on 16<sup>th</sup> December 2014 when he got back but he thought that the Appellant and the children had panicked when JC entered the property

34. Asked by the Tribunal about his experience for looking after children, he said he worked in the security industry and had no specific child minding experience but he helped his wife a lot of the time including buying food, role play with the children, watching TV and cartoons with them.

35. When asked whether GA helped with the children, he said that she did not and that he had not seen her for months and was not very close to her. The Tribunal found RO's evidence inconsistent and his replies to be evasive at times.

36. MA

MA worked as a registered child minder until her registration was cancelled in April 2015 and she is currently unemployed. MA said that she had worked with the Appellant in the past as a colleague but was emphatic that she did not work for her. MA considered that the Appellant was a very professional, reliable caring child minder and that she was not heartless. Under cross examination she repeated that she was not her assistant but they lived close together and that they would together take the minded children to the park from time to time.

37. SO

SO gave evidence in support of the Appellant and stated that her children had been minded by the Appellant for at least 18 months. She had no concerns about the Appellant's abilities and said that her younger child was always keen to go to the Appellant if she saw her in the school playground.

38. The Appellant's evidence

The Appellant said that she had gone to the Centre on the 10<sup>th</sup> November 2014 with GA who was her aunt. The Appellant said that she knew that the session was only for registered child minders but that it had "slipped her mind" that GA was not registered. In her evidence she said that she took three children into the session\_The Appellant denied ever saying "shut up" to a child at the Centre on 10<sup>th</sup> November 2014 or telling her son to shut up in front of JC on the 16<sup>th</sup> December 2014. The Appellant was cross examined about the list that she had provided to Ofsted about the children being minded on 16<sup>th</sup> December 2014 and admitted D's had not been included. When questioned as to why his name had not been included she replied "it slipped my mind."

39. The Appellant denied lying when she was interviewed by Ofsted but said that she had tried to give the right answers and that she had panicked. Under cross examination about the inconsistencies in her responses to the Ofsted enquiries and in her statements she acknowledged that she had told JC that she had attended the Centre with BO, which was a lie. The Appellant admitted that it was the name of a friend who lives in Nigeria, and that in her interview she had said that BO had a child called D and had said a lot of things that she should not have said.



40. The Appellant denied telling the staff at the Centre that GA was her assistant and claimed that she had said that she was her sister. The Appellant repeatedly throughout her evidence stressed that she did not wish to get GA into trouble and that GA had not done anything wrong and that she had to live with the consequences of what she had done.

41. The Appellant had no explanation as to how D had got into the neighbour's garden on 16<sup>th</sup> December 2014. The Appellant denied ever leaving minded children with her neighbour, YR, but admitted that she had told JC that she had as she felt that she had to give an explanation. The Appellant said that she regretted her actions when she had gone to the Centre with GA and that maybe if she had not responded in the way she did they would not be here today. She apologised for her behaviour and said that she did not mean to mislead Ofsted.

When specifically questioned by the Tribunal about the number of children present on 16<sup>th</sup> December 2014 the Appellant admitted that on that day she had been over minding.

### Closing Submissions

#### Respondent's submissions

42. The Respondent stated that Ofsted had to demonstrate that the Appellant was unsuitable to be registered and submitted that this had been established by the inconsistencies and lies told by the Appellant. Counsel submitted:

a) That the witness evidence given by DG, YH and JL had been plausible and truthful. Their evidence had included eye witness accounts of the Appellant saying "shut up" to a small child and the Appellant failing to comfort and give attention to a visibly distressed child in her care. The evidence given by the three witnesses was convincing and they had no reason to fabricate any allegations against the Appellant.

b) The evidence of JJJ concerning the attendance register demonstrated that the Appellant was not truthful about who was present at the Centre. The Appellant in an interview on 26<sup>th</sup> February 2015 had lied to JC and had made no reference to child R being present until she saw names on the attendance register.

c) JC's evidence had been very clear about seeing the children through the letterbox of the property on 16<sup>th</sup> December 2014 and who were later found in the neighbour's house

d) The oral evidence given by the Appellant's husband was not convincing, and claim that he opened the door to JC on 15<sup>th</sup> December 2014 was not in his witness statement or mentioned by the Appellant. RO also claimed that he was an active assistant and helped the Appellant to mind the children but he has never been seen by any of the HLT visitors.

e) The Appellant was asked by Ofsted to produce a list of all the children that she had minded with dates and names. The Appellant was given two to three weeks to prepare the list but even during the hearing there were names missing, in particular D's name was missing from the list. The suggestion that the Appellant could forget the name of a child that

was found by a stranger in a neighbours' garden and so fail to include his name on the list was not credible.

f) The Counsel for the Respondent submitted that the Appellant had been unable to provide the same account of events accurately twice, she had lied and been evasive and cannot be trusted to look after children or to keep accurate records. She lacks empathy and is therefore clearly unsuitable to be a registered child minder.

#### Appellant's submissions

43. The Appellant's representative posed a question as to whether it was safe to leave children in her care and whether or not the children left would suffer any harm. This however is not the test for cancellation of registration. The Appellant's representative submitted that the Appellant had accepted some of the issues raised by Ofsted in its response to the appeal (Tribunal bundle pages A141 to 143) and therefore only the areas under dispute would be addressed. The representative submitted:

i) That there had been negligence on the part of Ofsted in its inspection in that it had failed to check that the garden of the property was safe.

ii) That the account of the number of children being over minded as referred to by SW as twelve to thirteen was an exaggeration and there was no evidence to support this. The figures about the number of children in the neighbour's house on 16<sup>th</sup> December 2014 were confusing and could not be relied on.

iii) The decision to cancel the Appellant's registration had been taken without giving sufficient chance or support for the Appellant to respond. It was submitted that Ofsted had been too quick to judge the Appellant.

iv) The allegations concerning the Centre focused on one date and whilst the Appellant accepted that she should not have brought the child with her to the Centre on its first day in her care, the Tribunal should take into account that the Appellant denied saying "shut up" and that that incident was hearsay.

v) The Tribunal was invited to take into account the nature of the visit that took place on 16<sup>th</sup> December 2014 which it was suggested was intimidating with threats to call the police. The fences to the property had been replaced and now presented no problem. The Appellant denied hiding the children.

vi) The Appellant accepted that she had made mistakes but wanted a second chance. She was sorry that she had lied and that the child had been lost. She had now done further training and work on the property and it was submitted that the children, if left with the Appellant, would be safe.

### Tribunal Findings and Conclusion

44. The Appellant and her representative at the beginning of the hearing confirmed that the Appellant had:

- a) Left minded children with unvetted adults including GA, YR and WR.
- b) That she had placed other minded children at risk of contact from unvetted individuals by attending the Centre with GA.
- c) She had lied to Ofsted by saying that the person with her at the Centre on 10<sup>th</sup> November 2014 was not GA but another person who in fact lives in Nigeria and she confirmed in her evidence to the Tribunal that this was not correct and she therefore lied to Ofsted.
- d) That she provided incomplete documentation to Ofsted including incomplete attendance registers of minded children.

45. These admissions when considered either individually or as a whole rightly raised serious concerns with Ofsted. Lying to Ofsted and failing to provide correct documentation about the number of children being minded by the Appellant must undermine the Appellant's credibility with Ofsted to tell the truth in the future

46. The Appellant disputed that she had said "shut up" to a child in her care at the Centre or to her own child on 16<sup>th</sup> December 2014. The Tribunal prefers the eyewitness evidence of DG who was a plausible, credible witness and who clearly was shocked by the manner, behaviour and the words spoken by the Appellant to a young child at the Centre. Similarly the Tribunal accepts the evidence of JC and her account that the Appellant did say "shut up" to her own child in front of her on 16<sup>th</sup> December 2014.

47. The Appellant disputed the allegation that on 16 December 2014 she had hidden children from Ofsted, her explanation for 6 children being found in her next door neighbour's house sitting on the landing with WR was because they had panicked when the JC had tried to enter the Appellant's property and mentioned the word police. Yet the Appellant also claimed that none of the children had ever been looked after in her neighbour's house before. The Appellant's account and explanation of what happened on 16<sup>th</sup> December 2014 is implausible and the Tribunal does not accept that these young children even if in a state of panic would have gone voluntarily through the back door across the garden divide and into the neighbour's house and then sat upstairs in a strange house.

48. The Appellant acknowledged that one of her minded children (D) had been left unattended in a garden on 16 December 2014 and was only returned when a neighbour's relative found the young child in the adjoining garden. This was a very serious incident, which meant that the young child was vulnerable, unsupervised and was at risk of injury or abuse and of itself raises very significant concerns about the Appellant's suitability to continue to be a registered child minder. It was very fortuitous that the neighbour's relative saw the child and brought him back to the Appellant. The Tribunal notes that the fences around the property have now been replaced but that does not negate the Appellant's failure to supervise and protect the child on 16<sup>th</sup> December 2014.

49. Notwithstanding this the Appellant failed to include the name of the child in question to the list of children minded by the Appellant which she was asked to provide to Ofsted following her suspension. The Tribunal does not accept that the Appellant explanation in her oral evidence that "It slipped my mind" to add the child's name the Tribunal finds that the Appellant deliberately lied.

50. In her witness statement dated 25 August 2015 ( Tribunal Bundle page D3 para 3) the Appellant said that on 16<sup>th</sup> December 2014 she was minding one child, which was a lie and during her oral evidence she admitted that she was minding 4 children plus her own three children.

51. The Appellant admitted that she had left minded children with unvetted adults and allowed an unvetted adult to attend the Centre which had put both her mind children and other children at risk, which demonstrates that when under pressure she has ignored the responsibilities obligations that she required to observe as a child minder.

52. The Appellant also lied about who was in attendance with her at the Centre and fabricated the name of a friend in Nigeria when interviewed by Ofsted concerning the events. The Appellant's position is that she is sorry for the lies she has told and that she has undertaken various training courses and that she wants to be given a second chance. Under cross-examination during the hearing she still denied that she had lied to the Centre staff as she claimed that she had not said GA was her assistant but that she was her sister. However, even if GA had been her sister, (and she was not), there was no evidence that she was a registered child minder or that she was vetted, which demonstrates that despite going on recent training course she still fails to understand the need and importance of the vetting procedure and being open and honest with Ofsted.

53. The public must have confidence that those who mind children will work with the relevant authorities, and Ofsted must have confidence that it can trust the child minders it regulates. The Tribunal is aware that child minding is the Appellant's way of earning a living and so a decision that the cancellation should be upheld must be proportionate.

54. Having considered all the evidence and taking into account the findings of fact set out above, the Tribunal is satisfied that the concerns and allegations raised by Ofsted have been made out to the relevant standard which means the Appellant is no longer suitable to be a child minder. It is not enough to have qualifications and to have completed the appropriate training, Ofsted has to have confidence and trust in the child minder and the behaviour of Appellant broke that trust and confidence.

## **DECISION**

The Tribunal finds that the Appellant is unsuitable to be a child minder and rejects the appeal and upholds the Ofsted decision to cancel the registration of the Appellant as a child minder.

**Judge Helen Clarke**  
**Care Standards**  
**First-tier Tribunal (Health Education and Social Care)**

**Date Issued: 23 November 2015**