

## Care Standards

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

Heard at Northampton SSCS on 24<sup>th</sup>-28<sup>th</sup> February 2020 and Panel Deliberation on 14<sup>th</sup> March 2020

[2019] 3756.EY

#### BEFORE

Mr Timothy Thorne (Tribunal Judge)  
Mr Mike Cann (Specialist Member)  
Ms Sallie Prewett (Specialist Member)

#### BETWEEN

MRS LR (A)

Appellant

-v-

Ofsted (R)

Respondent

#### DECISION

##### The Appeal

1. A appeals to the Tribunal against Ofsted's decision dated 13 June 2019, to cancel her registration as a childminder, on the Early Years Register and both the compulsory and voluntary parts of the Childcare Register, under Section 68 of the Childcare Act 2006.
2. Ofsted cancelled A's registration on the grounds that the requirements for registration had ceased to be satisfied and that A failed to comply with the requirements imposed by the regulations including the statutory framework for the Early Years Foundation Stage (EYFS), the Childcare (General Childcare Register) Regulations 2008, and associated legislation and guidance.

##### Restricted Reporting Order

3. The Tribunal makes a restricted reporting order under Rule 14(1) (a) and (b) of the 2008 Rules, prohibiting the disclosure or publication of any

documents or matter likely to lead members of the public to identify the users of the service in this case so as to protect their private lives.

## **Background**

4. A has been registered as a childminder since 1996 on the Early Years Register and both parts of the General Childcare Register. She is also a foster carer to “L”, who is a 12 year old boy with complex needs and a diagnosis of PTSD. L was first fostered by A and her husband in 2013. L’s placement with the A and P has now been made permanent.
5. Since 2001, A’s first five inspections were judged to be ‘Good’ with no breaches of statutory requirements. A was also judged “good” at inspections on 23 October 2007, 31 March 2011 and 27 August 2015.
6. However, she was graded as “inadequate with enforcement” at inspections on 3 September 2018 and 1 March 2019, and as “requires improvement” on 3 September 2019. Between 26 August 2014 and 3 September 2019, it was alleged by OFSTED that multiple breaches of the EYFS were found. These breaches are set out in a Scott Schedule produced by the parties and were the subject matter of detailed oral and written evidence before the Tribunal and are dealt with in summary below.
7. In summary A received the following OFSTED inspection results:
  - a. 2004 – Good
  - b. October 2007 – Good
  - c. March 2011 – Good
  - d. August 2015 – Good
  - e. September 2018 – Inadequate
  - f. March 2019 – Inadequate
  - g. September 2019 – Requires Improvement.

## **The Evidence (Summary and Analysis)**

8. At the hearing Ofsted was represented by Mr. Simon White and A by Ms. Emma Waldron. The Panel heard evidence from the following witnesses:
  - a. Mr Mark Evans (on behalf of Ofsted)
  - b. Ms Ruth Howard (on behalf of Ofsted)
  - c. Ms Caroline Clarke (on behalf of Ofsted)
  - d. Ms Kathryn Bell (on behalf of Ofsted)
  - e. Ms Alexandra Brouder (on behalf of Ofsted)
  - f. Ms Jude Sanders (on behalf of Ofsted)
  - g. Mrs LR(A)
  - h. Ms SB (on behalf of A)
  - i. Ms JE (on behalf of A)
  - j. Ms KK (on behalf of A)
9. The Scott Schedule sets out the alleged statutory breaches and other concerns outlined by the Ofsted witnesses. The majority of the allegations set out in the Scott Schedule are admitted by A. In general, the breaches

of requirements fall into two main categories – safeguarding and teaching and learning. During the hearing Mr. White accepted that there were no longer any safeguarding concerns. The relevant evidence can be summarised as follows:

10. On **23 July 2014** A informed Ofsted that a concern was raised that a child had returned from her care with unexplained marks to their body, which transpired to be caused by an allergic reaction. In addition a parent raised a concern about injuries her child had allegedly sustained whilst in A's care. Ofsted issued a number of actions to A and the case was closed after she supplied a satisfactory written response. The panel considered the evidence in relation to this matter and is satisfied that A learnt from the incident and that this is no longer a matter of concern.
11. On **26 August 2014** Mark Evans of Ofsted carried out a regulatory visit which resulted in him issuing a Notice to Improve (NTI). He found the following:
  - a. that A's written safeguarding policy was inadequate. A admits this and has amended it appropriately. The panel considered the evidence in relation to this matter (including the fact that Ofsted now accept in their closing submissions that "childminders are not required to have written policies and procedures") and concludes that this is no longer a matter of concern.
  - b. It is admitted by A that she failed to record administering nappy rash cream to a child. A "Medication Administered Record" was later sent to Ofsted. The panel considered the evidence in relation to this matter and concludes that A learnt from the experience, changed her procedures and this is no longer a matter of concern.
  - c. It is admitted by A that some allergies were not recorded by A. The panel notes that a record of allergies was subsequently supplied to Ofsted and on 16 September 2014 Ofsted closed its case. The panel considered the evidence in relation to this matter and concludes that A learnt from the experience, changed her procedures and this is no longer a matter of concern.
12. On **31 May 2015**, A notified Ofsted that her foster child and a minded child had accessed explicit images on an i-pad. This had not occurred at the childminding premises and A informed Ofsted that children would not be allowed to use i-pads upstairs in future. No further action was taken by Ofsted. The panel considered the evidence in relation to this matter and is satisfied that A learnt from the incident and that this is no longer a matter of concern.
13. On **27 February 2018**, a minded child alleged that one of A's relatives had sexually abused them while upstairs. A informed Ofsted of this allegation and Ofsted suspended A's registration immediately. A police investigation led to no further action being taken. Following three regulatory visits, the Appellant's suspension was lifted. The panel considered the evidence in relation to this matter and is satisfied that A learnt from the incident and that this is no longer a matter of concern.

14. On **27 March 2018** Ruth Howard of Ofsted carried out an inspection during which it was alleged that A had an inappropriate safeguarding policy and there were problems with managing inappropriate behaviour and inadequate supervision. A admitted that she did not have an appropriate safeguarding Policy as it did not include information about what to do if an allegation was made against an adult in the setting (and did not cover the use of mobile phones) and that her Behaviour Policy was inadequate. However, the panel accepts that by 27 June 2018 A had remedied these breaches and the case was closed by Ofsted.
15. It was also alleged that A was allowing G, her 15-year-old family member (the subject of the sexual assault allegation) to have assisted her in supervising minded children. However, the panel accepts that A acknowledged her mistake and G was banned from her property.
16. On **14 May 2018** Ruth Howard of Ofsted returned and found that the safeguarding policy as it related to L was still inadequate. A admitted that her Risk Assessment did not include the risk that L might present to minded children. However, the panel accepts that A acknowledged her mistake and subsequently reviewed her Risk Assessment. It is not alleged by Ofsted that L does in fact pose a risk to minded children.
17. On **21 May 2018** Ofsted lifted A's suspension and on **27 June 2018** Ofsted accepted that all the problems had now been remedied and the case was closed. The panel considered the evidence in relation to these inspections and is satisfied that A learnt from the incidents, remedied the situation and that this is no longer a matter of concern.
18. On **3 September 2018** Caroline Clarke of Ofsted carried out an inspection during which it was alleged that children were able to access a mobile phone and play an inappropriate game. In addition A was unable to find her paediatric first aid record and her husband did not have one. This resulted in an "inadequate with enforcement" judgement. Moreover, A had failed to maintain an accurate record of a child losing a tooth and its underlying medical condition (possibly epilepsy and seizures). In addition A failed to adequately deal with children who were play fighting with pretend weapons. Moreover activities were not deemed sufficiently challenging for some of the children. A Welfare Requirement Notice (WRN) was issued containing 6 actions.
19. On **5 November 2018**, Caroline Clarke of Ofsted carried out a monitoring visit and it was found that 5 out of the 6 actions had been adequately addressed. The panel considered the evidence in relation to the matters arising out of the previous inspection and concludes that it may very well have been that children were able to access a mobile phone and perhaps play an inappropriate game. Most other breaches were admitted by A. However, the panel is satisfied that A's performance during the September 2018 inspection was deleteriously affected by her panic when she was unable to find her paediatric first aid record.

20. Moreover, the panel concludes that A has learnt from these incidents, instituted new policies surrounding such matters and that these are no longer matters of concern. In addition the panel accepts that A was later able to find her paediatric first aid record and her husband now does have one. Further admitted breaches were also found at the November inspection. A child's record could not be located and there was no adequate record of child attendance. In addition A had failed to provide Ofsted the necessary details of a new assistant KK. Ofsted issued a WRN. The panel accepts that in fact A provided the necessary details of KK to Ofsted in December 2018 and KK was assessed as suitable on 18 January 2019.
21. On **17 December 2018**, Ofsted conducted a further visit and found that the required steps had been taken to comply with the WRN issued following the November 2018 inspection. The panel is satisfied that A learnt from the incident, instituted new policies surrounding such matters and that these are no longer matters of concern.
22. On **1 March 2019**, Caroline Clarke of Ofsted carried out a reinspection which resulted in an "inadequate with enforcement" judgement. A WRN was served on the Appellant containing 6 actions. The following allegations were made:
- a. It was alleged that A continued to employ KK without providing Ofsted with her necessary details. The panel accepts that A had informed Ofsted and that KK had been DBS checked and that Ofsted were still processing the paperwork. The panel accepts that in fact A provided the necessary details of KK to Ofsted in December 2018.
  - b. It was alleged that A allowed KK to have unsupervised access to minded children. This arose because Caroline Clarke saw KK attend A's premises with a child - "O". The panel considered the oral evidence of Caroline Clarke, KK and A as well as Ms. Clark's notes of the inspection. The panel concludes that there was a catalogue of misunderstandings about this matter, perhaps partly attributable to the fact that KK's first language is not English and that A was very flustered during the inspection. The panel concludes that KK gave a lift in her car to O (who is the child of a friend who lives nearby) and transported him to A's premises on one occasion only and without A's knowledge. It is unclear as to whether O was a "minded child" when he was en route to A's premises as KK had not yet commenced her duties. It may be that Caroline Clarke understood KK to say that she had been with children (in the plural) whilst unaccompanied, but the panel concludes that KK was referring to her own children who also attended A's premises to be minded. It cannot be Ofsted's case that KK's access to her own children can constitute a statutory breach. After hearing all the evidence (including our acceptance that A suffers from dyslexia and that her "objection document was not drafted by herself) the panel does not accept that KK was regularly

collecting and dropping off children and having unsupervised access. Moreover, the panel does not accept that A deliberately disregarded the need for KK to be confirmed as suitable to work with children before having unsupervised access.

- c. It was alleged that A did not meet the ratio requirements and staff were not effectively deployed. After considering the evidence, the panel concludes that these breaches occurred for only a short 30 minute period. The panel is satisfied that A learnt from the incident, has remedied the situation and that this is no longer a matter of concern.
- d. The panel also concludes that A was still failing to maintain accurate attendance records. However, the later Ofsted inspection made no such criticism and therefore the panel is satisfied that A learnt from the incident, remedied the situation and that this is no longer a matter of concern.
- e. It was alleged that the interaction with children, the challenging nature of activities and the progress of the learning and development of the children was not adequate and not evaluated regularly enough. The panel concludes that this may have been the case at the time but in light of the oral evidence of A and KK (outlined below) the panel is satisfied that A has remedied the situation and that this is no longer a matter of concern.
- f. It was alleged that A was not providing adequate training and support to KK. The panel concludes that this may have been the case at the time but in light of the oral evidence of A and KK (outlined below) the panel is satisfied that A has now remedied the situation and that this is no longer a matter of concern.
- g. It was also alleged that A had not sought the views of minded children's parents of what they thought of the setting in order to seek to make improvements and ensure the needs of children are met. The panel concludes that this may have been the case at the time but in light of the oral evidence of A and KK (outlined below) the panel is satisfied that A has now remedied the situation and that this is no longer a matter of concern.

23. On **10 April 2019** Alexandra Brouder of Ofsted carried out a monitoring visit which resulted in a WRN with 4 actions and a NTI being issued. She recorded (inter alia) the following:

- a. That a stairgate was not closed, children went upstairs without A's knowledge, children momentarily accessed the garden, which was at that time unsafe, a child was using an I-pad which might have had internet connectivity and that there was some medication left on the kitchen counter. The panel accepts that this all happened but is satisfied that A has remedied the situation and that this is no longer a matter of concern.
- b. That in her opinion the management of children's behaviour and teaching was not effective in helping children to progress and identify gaps in learning through a lack of assessment and planning relevant activities. This may have been the case at the time but in light of the oral evidence of A and KK (outlined below) the panel is

satisfied that A has remedied the situation and that this is no longer a matter of concern.

24. On **12 April 2019**, A was sent a Notice of Intention to Cancel her registration. On **3 June 2019**, Ofsted conducted a compliance monitoring visit and found that A had taken the appropriate steps to comply with the WRN. However, on **13 June 2019** A was issued with a Notice of Ofsted's decision to cancel her registration as a Childminder on the Early Years Register, the Compulsory Childcare Register and the Voluntary Childcare Register. Ofsted decided not to suspend A's registration and she continues to operate as a child minder assisted by KK to this day.
25. On **3 September 2019** Alexandra Brouder of Ofsted carried out an unannounced inspection in which she recorded that most of the matters highlighted in the previous visit had been remedied. However, she recorded (inter alia) the following which resulted in a "Requires Improvement" verdict:
  - a. That in her opinion the teaching was still not challenging enough and the tracking of development was inadequate as were assessments of their progress.
  - b. That in her opinion there was weak support for language development and lack of involvement and lack of opportunities for parents to be engaged.
26. A denied these allegations. The panel concludes that such alleged breaches are to a certain extent a matter of opinion and the evidence produced about the inspection is not determinative either way. In any event, in light of the oral evidence of A and KK (outlined below) the panel is satisfied that A has remedied any such possible defects and that this is no longer a matter of concern.
27. The panel also notes that during this last Ofsted inspection no issues in relation to safeguarding were raised. Alexandra Brouder stated that "The arrangements for safeguarding are effective. The Childminder and her assistant know and understand the signs and symptoms of abuse. They attend regular training and know who to report any concerns to, if they suspect a child may be at risk of harm. The Childminder has recently updated her safeguarding policies to reflect recent changes to legislation. This includes the use of mobile phones and children's safe use of the internet"
28. The panel also notes that during this last Ofsted inspection no issues in relation to behaviour management were raised. Behaviour and attitudes were deemed to be "good", with Alexandra Brouder noting, "Children behave well. All children listen well to the childminder and her assistant and show they understand what is expected of them"
29. The panel also notes that during this last Ofsted inspection no issues in relation to welfare-related concerns were raised. Moreover, Ofsted maintained its decision not to suspend A's registration. The panel further

notes that as a result A has continued to operate (without evidence of incident) as a childcare provider for some 8-9 months since the Notice of the Decision to Cancel registration was issued to her.

30. The panel also took into account the evidence of A and KK. In the panel's judgement A was an honest witness who perhaps became confused and emotional under the stress of testifying and occasionally with the stress of undergoing Ofsted inspections. The panel had no doubt that she genuinely loved the children (and parents) whom she cared for. This conclusion was supported by the written testimonials of parents and the oral evidence of Ms. JE whose children who had been minded by A for many years. She and the other parents all spoke extremely highly of the A's childminding service and how important the A had been in the lives of their children.
31. It was also clear to the panel that in the light of such evidence A did in fact seek the views of parents in order to make continuous improvements. The panel accepts her evidence (and that of KK) that feedback was provided to KK and in addition she now used WhatsApp to liaise directly with parents.
32. Moreover, the panel heard A (and her assistant KK) outline in oral evidence a comprehensive 21 phase evaluation system of monitoring a child's progress that they had put in place which incorporated 3 targets tracking each of the 7 EYFS areas of learning and development) which would be reviewed every 6 weeks. The panel accepts that children's progress is now very carefully tracked and monitored and that this information is shared with parents.
33. The panel also heard evidence about how A organised activities that were challenging and targeted to meet the needs of the children that she knew very well and cared for very deeply. The panel notes that A's practices in achieving the development of children was something praised by the parents in their evidence. The panel also notes that of the 15 children that A minds, 10 have English as a second language. The panel accepts that A has stepped up to this challenge remarkably well, encouraging children with their spoken English and employing KK who is a polish speaker like many of the children in A's care. In addition the panel accepts the evidence of both A and KK that A has organised and financed adequate training and support for KK's role as her assistant.
34. The panel also notes that in her oral evidence A stated that she had been on medication for stress since 2015 and that in 2019 her doctor had increased her dose. When asked whether she had informed Ofsted as it potentially affects her suitability to work with children and is therefore a notifiable matter, A stated that her doctor said she didn't need to inform anyone. She then said that she understood that her solicitor had recently informed Ofsted. In fact notification was not been made to Ofsted. The panel concludes that A should have reported this matter to Ofsted but her failure to do so is perhaps understandable bearing in mind the advice which we accept she was given by her doctor.



35. Moreover, the panel accepts that A misunderstood what her solicitors had disclosed to Ofsted and that subsequently details of all medication A is taking has been disclosed to Ofsted and no further action has been taken by them. The panel notes that A is still operating as a child minder and Ofsted have not thought it necessary to suspend her registration.

### **Late Evidence**

36. During the proceedings both parties requested that new material be submitted into evidence. This included the following:

- a. Training certificates
- b. Details of a video game
- c. Emails
- d. Ofsted Inspection Notes

37. In relation to this new material, the Tribunal applied rule 15 of the Tribunal Procedure (First Tier Tribunal) (Health Education and Social Care Chamber) Rules 2008 and took into account the overriding objective as set out in rule 2 and admitted the late evidence as it was relevant to the issues in dispute.

### **The Legal Framework**

38. The legal framework for the registration and regulation of Childcare providers is to be found in Part 3 of the Childcare Act 2006 (“the Act”). Section 68 of the Act provides for the cancellation of a person’s registration in certain circumstances. Section 68(2) provides that Ofsted may cancel registration of a person registered on the Early Years Register or on either part of the General Childcare Register, if it appears:

- (a) that the prescribed requirements for registration which apply in relation to the person’s registration under that Chapter have ceased, or will cease, to be satisfied,
- (b) if a registered person has failed to comply with a condition imposed on his registration under that chapter
- (c) that he has failed to comply with a requirement imposed on him by regulations under that Chapter.

39. The prescribed requirements for Early Years registration are provided for in The Childcare (Early Years Register) Regulations 2008, Schedule 2. This includes the requirement that the person to be registered is suitable, and that the person will secure that the statutory framework for the Early Years Foundation Stage (EYFS) learning and development requirements are met and that they will comply with the EYFS welfare requirements.

40. The EYFS requirements are contained within the EYFS Statutory Framework and apply by virtue of section 39 of the Childcare Act 2006. Section 40 of the Act imposes a duty upon those registered as an early years provider, to comply with the requirements of the EYFS, the current version of which is the version effective from 3 April 2017. The EYFS is

divided into the Learning and Development Requirements and the Safeguarding and Welfare Requirements.

41. The Childcare (General Childcare Register) Regulations 2008, Schedule 2 and Schedule 5, set out the prescribed requirements for the compulsory and voluntary part of the childcare register. These include the requirement that the person to be registered is suitable. Schedule 3 and Schedule 6 sets out the requirements governing activities in relation to both parts of the General Childcare Register for the purposes of section 59 of the Childcare Act 2006, and therefore those registered on the compulsory and voluntary part of the childcare register, must also meet these requirements.

### **The Burden and Standard of Proof**

42. The burden rests on Ofsted to show, on the balance of probabilities, that cancellation is justified and necessary in the public interest. This involves consideration the existence and significance of any risk. The issue of proportionality involves a judgement, as viewed today, which balances the public interest against the interests of the Appellants and all involved. The Tribunal stands in the shoes of Ofsted and makes its decision afresh based on all of the evidence; up to and including the dates of the hearing.

### **Conclusions & Reasons**

43. For reasons given below the panel concludes that Ofsted has failed to prove to the requisite standard that the cancellation of A's registration is justified and necessary.
44. There is no doubt that in the past there have been a number of breaches (as outlined and analysed above) but the panel concludes that they are all or mostly historical in nature and that in light of the evidence the panel is satisfied that A has now remedied the situations that gave rise to these breaches, has learnt the appropriate lessons and that they are no longer a matter of concern.
45. The panel notes that in her last and most up to date Ofsted inspection A was judged as "requires improvement" and not "inadequate". The panel also notes that the Early Years Inspection Handbook defines the term "Requires improvement" as follows:
- a. Where one or more aspects of the provision's work requires improvement, the overall effectiveness is likely to require improvement.
  - b. Safeguarding is effective and any weaknesses are easy to rectify because they do not leave children at risk of harm.
  - c. If there are any breaches of EYFS requirements, they do not have a significant impact on children's safety, well-being or learning and development.

46. In addition, the panel takes into account that in her last and most up to date Ofsted inspection A was judged as “Good” for Behaviour and Attitudes, which is defined in the Inspection Handbook as follows:

- a. The provider has high expectations for children’s behaviour and conduct. These expectations are commonly understood and applied consistently and fairly. This is reflected in children’s positive behaviour and conduct. They are beginning to manage their own feelings and behaviour and to understand how these have an impact on others. When children struggle with regulating their behaviour, leaders and practitioners take appropriate action to support them.
- b. Children are developing a sense of right and wrong.
- c. Children demonstrate their positive attitudes to learning through high levels of curiosity, concentration and enjoyment. They listen intently and respond positively to adults and each other. Children are developing their resilience to setbacks and take pride in their achievements.
- d. Children benefit fully from the early education opportunities available to them by participating and responding promptly to requests and instructions from practitioners.
- e. Relationships among children, parents and staff reflect a positive and respectful culture. Children feel safe and secure.

47. In addition, the panel takes into account that in her last and most up to date Ofsted inspection A was judged as “good” for Personal Development. This is defined in the Inspection Handbook as follows:

- a. The curriculum and the provider’s effective care practices promote and support children’s emotional security and development of their character.
- b. Children are gaining a good understanding of what makes them unique.
- c. The curriculum and the provider’s effective care practices promote children’s confidence, resilience and independence. Practitioners teach children to take appropriate risks and challenges as they play and learn both inside and outdoors, particularly supporting them to develop physical and emotional health.
- d. A well-established key person system helps children form secure attachments and promotes their well-being and independence. Relationships between staff and babies are sensitive, stimulating and responsive.
- e. Practitioners provide a healthy diet and a range of opportunities for physically active play, both inside and outdoors. They give clear and consistent messages to children that support healthy choices around food, rest, exercise and screen time.
- f. Practitioners help children to gain an effective understanding of when they might be at risk, including when using the internet, digital technology and social media and where to get support if they need it.
- g. Practitioners ensure that policies are implemented consistently. Hygiene practices ensure that the personal needs of children of all

ages are met appropriately. Practitioners teach children to become increasingly independent in managing their personal needs.

- h. The provider prepares children for life in modern Britain by equipping them to be respectful and to recognise those who help us and contribute positively to society; developing their understanding of fundamental British values; developing their understanding and appreciation of diversity; celebrating what we have in common and promoting respect for different people.

48. In addition, the panel takes into account that in her last and most up to date Ofsted inspection A was judged as “requires improvement” in relation to Leadership and Development. This is defined in the Inspection Handbook as follows:

- a. Leadership and management are not yet good.
- b. Any breaches of statutory requirements do not have a significant impact on children’s safety, well-being or learning and development.

49. The panel accepts in light of all the evidence that all of A’s failings have now been remedied. Ofsted do not have present concerns about safeguarding of children. The panel accepts that A has shown understanding of her safeguarding obligations by notifying Ofsted of past incidents and has engaged on her own and with KK in distance learning and additional training courses concerning these matters and the educational needs of children. Furthermore, the panel is satisfied that she has updated her forms and policies.

50. Moreover, the panel takes into account that there are no outstanding WRNs relating to A’s provision. The only outstanding issues identified in the last Ofsted inspection related to learning and development. There are no safeguarding issues. In light of the evidence outlined above the panel is satisfied that these outstanding issues have now been remedied. The panel also notes that A is still operating as a child minder and Ofsted have not thought it necessary to suspend her registration.

51. In those circumstances (and in light of all the evidence taken as a whole) the panel is not satisfied that it was necessary and proportionate for Ofsted to have issued the Notice of cancellation which is the subject matter of this appeal.

52. Standing in the shoes of Ofsted (in light of all the evidence including the contents of Ofsted’s own Inspection Handbook and the likely negative impact of cancellation upon the children in A’s care and their parents) the panel concludes that cancellation is not proportionate.

### **Decision**

53. The Appeal is allowed and Ofsted’s notice dated 13 June 2019, to cancel A’s registration as a childminder on the Early Years Register and both the compulsory and voluntary parts of the Childcare Register, under Section 68 of the Childcare Act 2006 shall therefore have no effect.

54. The panel considered but rejected the imposition of conditions on A's registration as such imposition was not necessary or proportionate.

**Tribunal Judge Timothy Thorne  
Care Standards  
First-tier Tribunal (Health Education and Social Care)**

**Date Issued: 31 March 2020**