

ENGLAND AND WALES / JUDGMENT

Safe Hands Care and Support Services v Ofsted

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First-tier Tribunal Care Standards The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008 NCN: [2026] UKFTT 00414 (HESC) 2026-01781. EY-SUS By video link on 05 and 16 March 2026 Before Tribunal Judge G Brandon Specialist Member D Rabbetts Between: Safe Hands Care and Support Services -v- Ofsted DECISION Appellant Respondent The Appeal

1. Safe Hands Care and Support Services (“the Appellant/the provider”) appeals against the notice of suspension dated 13 January 2026, to suspend its registration as a supported accommodation undertaking in the name Safe Hands Care and Support Services, 1007 Stockport Road, Levenshulme, M19 2TB. The suspension is for a period of 12 weeks until 7 April 2026.
2. This was a joint hearing with the appeal of Mrs Carmen Nosegbe, the registered manager of the Provider, against her suspension of the same date. Mrs Nosegbe commenced this appeal on behalf of the provider. By the time of the final hearing, Mrs Nosegbe had been suspended as an employee of the Provider and the Provider’s appeal was being conducted by Mr Adil Ashraf, a director. Representation:
3. Mr Adil Ashraf attended and represented the Provider.
4. The Respondent was represented by Miss Rachel Birks, solicitor, who was instructed by Catriona Thomson, solicitor, both of Ward Hadaway Solicitors. Witnesses
5. The Respondent called Deborah Holder, Susan Garner and Mark Woodbridge as witnesses. Mrs Michelle Edge, Senior Ofsted Inspector, attended as an observer on the first day of hearing. On the second day, Ms Sarah Urding, Assistant Regional Director, attended as an observer.
6. Mr Adil Ashraf gave evidence and called as witnesses Mrs Carmen Nosegbe, Mr Haroon Ashraf, and Ms Omaima Ali. Mr Saeed attended as a witness. He had not made a statement, and it was unclear what evidence he could give. The Appellant stated he could give evidence about the workings of the Provider’s office. We decided not to hear evidence from Mr Saeed as to do so could cause unfairness in the hearing to the Respondent which had not received notice of Mr Saeed’s evidence and had not therefore had an opportunity to respond to it or to prepare questions for him. Restricted reporting order

7. 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 children or young people referred to in this case so as to protect their private lives. Late Evidence
8. There was an application from Ofsted to admit a further statement of Deborah Holder dated 03 March 2026. The evidence was admitted in respect of this appeal only. After the first day of hearing, Ofsted applied to admit a further statement from Deborah Holder, dated 12 March 2026. Mr Ashraf objected to the evidence being admitted as it was “taken out of context” and because the disciplinary hearing for Haroon Ashraf, Staff member 1 and Mrs Nosegbe, had not been held, and objected that the matters had been shared with the Care Quality Commission (CQC) as they were at this stage allegations and not

facts.

9. As the evidence contained in the statement related to action taken by the provider in respect of the allegations central to the action taken by Ofsted, we considered it relevant to the issues in the appeal and admitted the evidence. There was little or no prejudice to the provider because the information related to matters already in their knowledge.
10. We previously directed that a statement made by Deborah Holder in respect of the appeal brought by the Provider should not be disclosed to Mrs Nosegbe on the grounds argued by Ofsted that it contained safeguarding information she should not possess due to her suspension as an employee of the Provider.
11. Having heard this evidence at the first day of the hearing in the absence of Mrs Nosegbe, we invited submissions from the Respondent as to the serious harm they anticipated would be caused to any person by the disclosure to Mrs Nosegbe of this information.
12. Ofsted argued that this was an unusual situation in which two appeals were being heard together before Ofsted knew that the manager had been suspended as an employee of the provider.
13. Ofsted did not suggest that serious harm would be caused if the statements of Deborah Holder were disclosed to Mrs Nosegbe, its concern was more that the data held by Ofsted ought not be disclosed too widely.
14. We decided that the statements of Deborah Holder dated 13 March 2026 and 03 March 2026 should be served upon Mrs Nosegbe applying the test in Rule 14:
 - (2) The Tribunal may give a direction prohibiting the disclosure of a document or information to a person if—
 - (a) the Tribunal is satisfied that such disclosure would be likely to cause that person or some other person serious harm; and

- (b) the Tribunal is satisfied, having regard to the interests of justice, that it is proportionate to give such a direction.
15. There was no apparent risk of serious harm, and as the statement contained information relevant to a witness, Haroon Ashraf, upon whose evidence Mrs Nosegbe relied, we considered it was in the interests of justice to direct that Ofsted serve these statements upon her under Rule 15(1)(a) and (b).
16. The hearing on the second day was adjourned for 30 minutes to allow Mrs Nosegbe to read the statements. Ms Holder was recalled as a witness and Mrs Nosegbe was given an opportunity to ask further questions.
17. The panel was satisfied that Mrs Nosegbe had received, and had an opportunity to respond to, all of the evidence relevant to her appeal and that after these arrangements were made, she was in possession of the same evidence as that heard in the appeal brought by the provider.

Background

18. The Appellant is Safe Hands Care and Support Services (SHCSS), a provider registered with the Respondent to provide supported accommodation to children in a self-contained unit and in a shared or group living situation. The provider has seven single occupancy premises and four shared accommodation premises. The Appellant has been registered since 16 December 2024. Mrs Nosegbe has been the registered manager of the Provider since it was registered.
19. The Respondent received a number of referrals and concerns between February and October 2025 in relation to the provider and these included the fact a child in their care had died. In addition to this, there were references to children being financially exploited by staff and to staff smoking cannabis with children. Four members of staff had been dismissed by the provider over these latter matters.
20. The Respondent carried out an inspection between 29 September and 3 October 2025 and was not satisfied with what it found. The provider was issued with a notice of restriction on 3 October 2025. The Respondent also served compliance notices on the provider citing concerns regarding safeguarding, leadership and management. These notices have been reissued since and remained in place at the time of the hearing.
21. The Respondent received anonymous information on 23 November 2025 which related to a member of staff (staff member 1), the brother of the director of the provider. This information contained serious safeguarding concerns and an allegation that the member of staff had sexually harmed a child (Child A).
22. These facts had been notified to Ofsted in February 2025 by the provider, through Mrs Nosegbe.

23. The allegation in November 2025 was also that both the provider and Mrs Nosegbe the registered manager knew about these allegations but failed to take appropriate action. The Respondent received further information relating to these concerns on 6 and 8 December 2025 and shared the information with the police and the local authority designated Officer (LADO). LADO meetings were held on 8 and 10 December 2025.
24. The police re-opened an investigation which had started in February 2025 into similar allegations against staff member 1.
25. The registered manager contacted the Respondent on 10 December 2025 informed them that Manchester and Tameside local authority have both taken the decision to remove children from the provider whom they had placed there. In this communication the registered manager also stated that the member of staff in question had been suspended.
26. Ofsted issued the Appellant with a notice of suspension dated 13 January 2026 suspending the Appellant's registration as a provider for a period of 12 weeks from 13 January 2026 to 7 April 2026. The decision was made under sections 14A and 20B of the Care Standards Act 2000 (the 'Act'), the associated Regulations made under that Act and the Respondent's Social Care Enforcement Policy.
27. On 9 January 2026 the Respondent received a safeguarding notification which related to a child who had moved into SHCSS and had made an allegation that a member of staff made her feel uncomfortable by "looking at [her] bum" and unpacking her underwear. The incident had taken place on 19 December 2025 and Ofsted were concerned that this had not been reported without delay as required by regulations.
28. During a monitoring visit conducted by the Respondent on 12 January 2026, the member of staff subject to the police investigation was present and working in the office of the provider.
29. On 13 January 2026 Ofsted issued the suspension notice.
30. Since the suspension notice was issued, the police investigation proceeded and was closed on 10 February 2026 due to the child in question being unwilling to assist the investigation. The LADO investigation continued and was not concluded at the time of the hearing. The provider had appointed an independent investigator to look into the allegations against the registered manager, staff member 1 and Mr Haroon Ashraf, the nominated individual, who is also a brother of the director Mr Adil Ashraf. The provider had suspended the registered manager and the nominated individual pending disciplinary hearings which were scheduled to take place on 17 March 2026.

Legal Framework

31. The statutory framework is set out in the Care Standards Act 2000 ('the Act'). Section 14A empowers the Respondent to take action suspending for a specified period the registration of a person in respect of an establishment or agency.

32. Section 20B sets out the urgent procedure for suspension and the contents of the notice informing the person of the suspension.
33. 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 Section 20B(1)(b). It is: 'the registration authority has reasonable cause to believe that unless it acts under this section any person will or may be exposed to the risk of harm'.
34. 'Harm' is defined 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' "development" means physical, intellectual, emotional, social or behavioural development; "health" means physical or mental health; and "ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical.
35. 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 person may be exposed to a risk of harm as at the date of the hearing before the First-tier Tribunal.
36. In the case of *Ofsted v GM* [2009] UKUT 89 (ACC), the Upper Tribunal considered a similar legislative provision in Regulation 9 of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 and held that, "Although the word "significant" does not appear ..., both the general legislative context and the principle of proportionality suggest that the contemplated risk must be one of significant harm."
37. 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 unless it acts under this section any person will or may be exposed to the risk of harm (the threshold test). If it concludes that it does, it must consider whether suspension is a necessary and proportionate response.
38. The immediate duration of the suspension is for twelve weeks. However, it may be extended thereafter.
39. Suspension may be lifted at any time if the circumstances described at section 20B of the Act cease to exist. This imposes an ongoing duty on the Respondent to monitor whether the suspension remains necessary and proportionate.
40. Under section 21 of the Act, an appeal may be brought to the First-tier Tribunal and on appeal, the First-tier Tribunal may confirm the decision or direct that it shall cease to have effect.

41. The burden of satisfying the Tribunal that the threshold test in section 20B 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 person may be exposed to a risk of harm.
42. In appeals against a suspension the Tribunal will make no finding of fact about the allegations which are the basis of the suspension. The positions of the parties
43. The Appellant's case is that the statutory threshold is not met. It argues that no new safeguarding event occurred in January 2026 when the suspension was issued and that the material relied upon by Ofsted was already known by 10 December 2025, by which time most children had been removed from the service. The provider argues that its safeguarding systems were operating effectively throughout 2025, and that it made timely and appropriate referrals of all allegations including the 19 December 2025 allegation concerning a child, which LADO assessed as not meeting the threshold for a managing allegations meeting.
44. The provider argues that Ofsted is relying upon a blurred video, an audio recording, and unsubstantiated claims about managerial conduct which does not amount to evidence of a present risk of harm. It emphasises that the police have twice found insufficient evidence to support criminal proceedings and closed their enquiries. The provider also challenges Ofsted's interpretation of the presence of staff member 1 during the 12 January monitoring visit, stating that he had no involvement in care work and no access to children or confidential records.
45. The provider further submits that the delay between the removal of most children on 10 December 2025 and the suspension on 13 January 2026 is inconsistent with the claim of emergency necessity. It argues that subsequent regulatory steps created a circular situation in which ongoing suspension prevented the assessment required to lift it.
46. Mr Ashraf argued that from the outset the provider took safeguarding concerns extremely seriously and had cooperated with other agencies when allegations were raised, supporting the investigation process. He argued that whilst the police had decided not to pursue a criminal investigation, the provider had not relied upon that, but appointed an independent investigator.
47. The provider argued it had also taken steps to strengthen governance and was in the process of recruiting new NI and RM positions. Mr Ashraf said that he recognised there may be a perception of conflict of interests due to the inclusion of his family members in the management structure and this was being changed.
48. Mr Ashraf recognised some of his wording at early meetings could have been confused. He had no intention to mislead anyone, he said.

49. Finally, the provider argues that suspension was disproportionate, given the availability of less intrusive measures such as conditions, targeted restrictions, and continued monitoring, especially in circumstances where multi-agency oversight was already in place.
50. The provider invites the Tribunal to allow the appeal, lift the suspension, and direct that any ongoing matters be addressed through proportionate regulatory measures short of suspension.
51. The Respondent, Ofsted, argues that the threshold for suspension is met, and that the suspension remains both necessary and proportionate on the basis of the concerns and information which it has received. Ofsted applies its policy which states that such a suspension as this allows it to complete its own investigations and to allows the completion of investigations by other agencies, into any potential risk of harm to children.
52. The Respondent argued there remain serious concerns including the allegation that a member of staff, the brother of the director of the service, had sexually assaulted a child and that although the police investigation completed the LADO investigation was ongoing.
53. The Respondent was concerned that the provider knew about these allegations and failed to take appropriate action to safeguard children.
54. The Respondent had concerns over the provider's actions in suspending members of staff, including staff member 1 whom the provider had confirmed was suspended in December 2025, but was found by Ofsted during a monitoring visit to be working in the office of the provider on 12 January 2026.
55. Ofsted was also concerned that the provider gave conflicting answers regarding Mrs Nosegbe's suspension with Mr Ashraf initially stating that this took place on 13 January 2026 and the nominated individual Haroon Ashraf giving a date in February. Ofsted were concerned that both the nominated individual had been suspended and therefore there was no nominated individual or registered manager at the service, and that Mr Haroon Ashraf was only suspended by the provider on 26 February 2026 despite him being involved in serious allegations.
56. Ofsted was not satisfied that the provider had notified it in a timely fashion regarding relevant matters and in some cases, including when Mrs Nosegbe was arrested on suspicion of common assault, (a matter which was later discontinued) had not notified them at all. The Tribunal's conclusions with reasons
57. We carefully considered all of the evidence in the appeal. This included the hearing bundle of 492 pages and the late evidence admitted which we referred to above.
58. The Tribunal had the benefit of skeleton arguments from both parties. The threshold for suspension

59. We consider that the test for suspension at Section 20B has been met by the Respondent. The Respondent presented sufficient grounds for a reasonable belief that without the suspension children may be exposed to a risk of harm.
60. The risk of harm comes from the possibility of matters relating to safeguarding occurring at the service but not being reported by the provider, and therefore not keeping children safe. The registered manager and nominated individual are suspended and are currently under investigation by the LADO. Despite the suspension the registered manager appears to still have access to the provider's premises despite being suspended as a member of staff. The risk also comes from the possibility of staff who have been suspended still having access to the premises and therefore information about children, if not the children themselves as they had been removed.
61. We reiterate that we make no finding of fact about these allegations. We are however satisfied that there is at least a credible allegation to be investigated.
62. We shared Ofsted's concern that the provider did not appreciate the seriousness of concerns raised and had not dealt appropriately with the suspension of members of staff.
63. We rejected the provider's assertion that it dealt in an appropriate and timely manner with allegations made against members of staff. In respect of the registered manager, this was shown by the inconsistency of information provided by the provider to the regulator. Mr Adil Ashraf had informed the Respondent that Mrs Nosegbe had been suspended by the provider on 13 January 2026, when she had clearly continued to work after that date and had been corresponding with the Care Quality Commission in respect of another branch of the business. Haroon Ashraf informed Ofsted that Mrs Nosegbe had been suspended on 13 January, but when questioned about this by Deborah Holder was unable to explain why she made two formal notifications to CQC on 15 and 27 January 2026. In reply he stated that Mrs Nosegbe was suspended on 23 February 2026. Mrs Nosegbe's evidence was that she had been suspended on 18 February 2026. The evidence given by Mrs Nosegbe and Mr Adil Ashraf at the hearing, that Mrs Nosegbe had been given regular access to the office of the provider and had been using her work laptop and work email address was further evidence of this.
64. We agreed with Ofsted's position on the suspension of Mr Haroon Ashraf. He is the nominated individual of the provider and was subject to allegation made by a child on 19 December 2026, and a separate allegation that he was present when Mrs Nosegbe deleted evidence from another child's phone. He is the subject of a LADO investigation. The fact that he was not suspended until 26 February 2026 demonstrates in the conclusion of the Tribunal that the provider is not taking appropriate or timely action when allegations were raised which concern safeguarding of children.
65. Whilst the provider has now appointed an independent investigator, it took a long time to do this and at the hearing Mr Adil Ashraf seemed unfamiliar with the details of that process including what the mechanism would be for staff members to be dismissed should that be the outcome of disciplinary hearings on 17 March 2026. Mr Ashraf contradicted himself

frequently during the hearing in respect of his role at the provider which was said initially to be business-related and not involved in the day-to-day running of supported accommodation services. His assertion that the provider had always acted in an appropriate and timely fashion in referring matters to appropriate authorities was unpersuasive and he demonstrated little direct knowledge of the matters he was speaking of. We did not accept his assertion that referrals were made promptly. It was clear that they were not always made promptly at this was demonstrated most clearly by the fact that an allegation raised by a child who had been made to feel uncomfortable by a staff member on 19 December 2025 had not been referred to Ofsted until 9 January 2026.

66. We were not persuaded by Mr Ashraf's evidence regarding staff member 1 and his role. He stated that Staff member 1 was only passing through the office on 12 January 2026, picking up job sheets relating to a separate property management business. This was contradicted by what the inspectors recorded Mrs Nosegbe told them, that he was carrying out administrative tasks in the office. Mrs Nosegbe's denial that this was what she had said at the time was not persuasive. In our conclusion Ofsted had a real and well-founded concern that the provider was allowing suspended members of staff to work on the premises and the risk that they could access information relating to children was reasonable.
67. At the time of the hearing there was no operational manager or nominated individual at the provider and whilst Mr Ashraf stated that recruitment processes were at an advanced stage and that he sought full-time and permanent replacements for both Mrs Nosegbe and Haroon Ashraf, the disciplinary hearings have yet to take place and although Haroon Ashraf stated he considered resignation, he has not yet done so.
68. Should the suspension be lifted, at the present time the provider would be unable to comply with the requirements of its registration because these positions remain unoccupied by operational staff.
69. In reaching this conclusion we were persuaded by the Respondent's evidence, in particular the evidence of Mark Woodbridge, Social Care Regulatory Inspection Manager ('SCRIM') for Ofsted.
70. We took account of the two compliance notices issued by Ofsted after the monitoring visit on 27 November 2025. These were in fact re-issued notices which had first been served after an inspection of the provider in the week commencing 29 September 2025. They were re-issued because the Respondent was not satisfied that sufficient progress had been made.
71. In the first notice, the Respondent set out what it considered to be the material non-compliance with the Supported Accommodation (England) Regulations 2023, specifically Regulation 4 which relates to the leadership and management standard. Ofsted was of the view that the provider was failing to ensure the safety and well-being of children in the supported accommodation it ran, having found the Ring doorbell was in use within the property to observe visitors to the children and that the staff working at the property were not aware of this and therefore could not consent to it. The inspectors also observed that

staff could not demonstrate adequate knowledge of the children's vulnerabilities or how to keep them safe.

72. In the second notice, which addressed Regulation 5, the protection standard, Ofsted had found that the provider failed to ensure that risks to children were documented clearly within individual safety plans and were set against actions to mitigate those risks. Ofsted was also not satisfied that staff understood the risks to children in their care and knew how to keep those children safe and to support safe relationships.
73. Both notices set out in a table steps required to rectify the breaches of the Regulations which should be completed by 01 February 2026. On 06 February 2026 Ofsted carried out in a monitoring visit to assess progress. It was not satisfied that such progress had been made and on 09 February 2026 made a decision to reissue those notices.
74. We note that repeated non-compliance with these notices, and therefore the Regulations, is a ground for cancellation. Ofsted's evidence was that they decided not to take this step bearing in mind that the provider and its manager were at that time subject to suspension and was therefore more difficult for the provider to demonstrate that it had taken the appropriate steps towards compliance.
75. We note that after the inspection the service was restricted from accepting new children but still had children in accommodation. The children placed by Manchester and Tameside local authorities were removed after 10 December
2025. Some other children remained in the provider's accommodation, and it appeared that Ofsted were not aware of this until the monitoring visit on 12 January 2026. It is clear then, that the provider was unable to satisfy the Respondent of its compliance with regulations 4 and 5 between the beginning of October 2025 and 06 February 2026.
76. In our conclusion the evidence of the Respondent, which we found to be credible and reliable, indicates that there is a pattern of non-compliant service provision, and that the Appellant has little ability or motivation to effectively implement, embed and sustain necessary changes and improvements.
77. We agree with Mr Woodbridge's view that the threshold for suspension was met. We note that the report of the monitoring visit states that despite the provider making some changes to staff training and supervision, the provider disputed the reasons for the compliance notices and that has made change less effective.
78. There are investigations ongoing into the conduct of the Registered Manager and the Nominated individual, including an independent investigation commenced by the Provider and an investigation by the LADO. When completed Ofsted will possess further information to assess the suspension of the Appellant's registration, and to consider whether to take further regulatory action.

79. The Tribunal was reassured to note that the Respondent continues to keep the suspension under review. Proportionality of the suspension
80. 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 has a significant impact on the Appellant's business and upon children who can no longer be accommodated where they were previously.
81. We considered that the imposition of a suspension was a proportionate response to the risk of harm outlined above.
82. The risk of harm to children is of sexual offences. This risk of harm is so serious that it makes suspension a proportionate response and outweighs the concerns outlined above and relied upon by the Appellant, of disruption and financial consequences.
83. We did not agree with the Appellant that the aims of Ofsted could be achieved, and the risk addressed, by lesser regulatory action. We are not able to direct that lesser or different action be taken. We must either confirm the suspension, or direct that it cease to have effect.
84. The action has been calibrated to the risk so far, as Ofsted perceived it and as it developed over time. Lesser actions have been attempted, including restriction notices and compliance notices. The restriction was lifted when the provider showed evidence of its plan for improvement. The provider had not been able to satisfy Ofsted in relation to its compliance with Regulations 4 and 5 and the compliance notices remain in place. We conclude that the other regulatory action taken by Ofsted was not successful in addressing risk and that suspension remains the only measure capable of doing so.
85. In reaching this conclusion we bear in mind the fact that the provider has engaged with the regulator, provided information and attended meetings, and was able to satisfy Ofsted in late 2025 that the restriction should be lifted on its accommodation. However, the situation has developed since then with investigations being launched into the registered manager and the nominated individual and the risk of harm to children remains high. We bear in mind that the provider has not been registered for a long period, but during that time there have been confirmed instances of harm to children in the care of the provider which necessitated the dismissal of staff. There has not been a sustained period of good care provision which the provider can rely upon to demonstrate its ability to comply with the requirements of its registration and to keep children safe.
86. This is the first 12-week suspension period. At this point the police investigation has concluded and results of the internal, independent investigation and LADO investigation are awaited. After completion Ofsted will assess the outcome and decide upon any further regulatory action in light of the information provided. We concluded that it was appropriate and proportionate for the suspension to continue whilst this process is completed. From the evidence of Mr Woodbridge and Ms Holder, Ofsted appear to have acted swiftly and there is no undue delay which would make the suspension disproportionate. Decision: 1. 2. The

appeal is dismissed. The Respondent's decision of 13 January 2026 to suspend the Appellant's registration is confirmed. Judge GPB Brandon Care Standards & Primary Health Lists Tribunal First-tier Tribunal (Health, Education and Social Care) Date Issued: 19 March 2026
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