IN THE UPPER TRIBUNAL **Appeal No. UA-2022-001068-V**
ADMINISTRATIVE APPEALS CHAMBER **[2024] UKUT 440 (AAC)**

On appeal from a decision of the Disclosure and Barring Service

Between:

JC

Appellant

- v –

The Disclosure and Barring Service

Respondent

Before: HHJ Simon Oliver sitting as a judge of the Upper Tribunal
Upper Tribunal Member Ms Rachael Smith
Upper Tribunal Member Mr Matthew Turner

Hearing date: 23 August 2024

Representation:
Appellant: In person
Respondent: Mr Ashley Serr of counsel

ANONYMITY ORDER

On 4 November 2022, the Upper Tribunal made the following order, which remains in force:

> "Pursuant to rule 14 of the above Rules, anonymity is granted to the person referred to variously in these proceedings and in the documentation provided as NR, [N] and NAR. Further, and again pursuant to rule 14, anonymity is granted to the applicant in these proceedings and to the individuals referred to as PM, CLF, KLJ, DT, HB, JM, MM, DH, RW, [GR], [AE], CX, BM, [AS], LS, HS, [CE], [S], and [C]. Accordingly, the disclosure of any matter which is likely to lead members of the public to identify any of them is prohibited. Failure to comply may lead to Contempt of Court proceedings.".

Where there are initials in square brackets in that order, the names were given in the order. But those are not reproduced here since this decision will be published.

DECISION

The decision of the Upper Tribunal is to dismiss this appeal.

REASONS FOR DECISION

A summary of the Upper Tribunal's decision

1. We conclude that the Disclosure and Barring Service's (i.e. the Respondent's) decision does not involve any material mistake of fact or error of law, which are the only bases on which we can interfere with that decision. Accordingly, we have no option but to confirm the Respondent's decision to include the Appellant on the Children's Barred List and the Adults' Barred List.

2. We appreciate this decision will be a considerable disappointment to the Appellant. We wish to record at the outset that we were impressed by the way the Appellant has conducted his appeal. However, the right of appeal in safeguarding cases is limited in the way summarised in the previous paragraph. In particular, the decision as to whether it is "appropriate" to bar a person carries no right of appeal to the Upper Tribunal.

Introductory matters

3. This is the Appellant's appeal dated 6 June 2022 against the Disclosure and Barring Service's final decision, dated 7 April 2022, to include him on the Children's Barred List and the Adults' Barred List under the Safeguarding Vulnerable Groups Act 2006 ('the 2006 Act').

4. We held an oral hearing of the full appeal at The Rolls Building in London on 23 August 2024. The Appellant attended in person, representing himself, and supported by a friend, Mr M. Mr Ashley Serr of counsel appeared on behalf of the Respondent Disclosure and Barring Service (or 'the DBS').

The rule 14 Order on this appeal

5. We refer to the Appellant as JC in order to preserve his privacy and anonymity. For that same reason, we have not disturbed the rule 14 Order reproduced at the head of this decision. We are satisfied that neither the Appellant nor the children nor any of the teaching professionals involved should be identified in this decision, whether directly by name or indirectly. We are also satisfied more generally that any publication or disclosure that would tend to identify any person who has been involved in the circumstances giving rise to this appeal would be likely to cause serious harm to those persons. Having regard to the interests of justice, we were accordingly satisfied that it was proportionate to make the rule 14 Order and not to disturb it. Furthermore, to avoid the possibility of 'jigsaw identification' (by which we mean pieces of evidence might be put together to identify those concerned), we refer to the schools referred to in the evidence as 'School A' and 'School B' and the 'Centre'.

A very brief summary of the background to this appeal

<u>Background</u>

6. On 7 April 2022 the DBS added JC to the Children's Barred List and the Adults' Barred List on the basis that he has engaged in conduct that harmed or could harm a child and a vulnerable adult under SVGA 2006 Schedule 3 para 3 and 9 in that

> "Sometime between February and June 1998, whilst aged 25, you abused your position of trust as a Youth Worker when you engaged in conduct of a sexual nature including sexual intercourse with NR a 15-year-old female child who you met through your work at School A where NR was a pupil".

7. The basis of the appeal brought by JC was that the DBS has made a mistake of fact in finding that JC knew that NR was 15 when they had sex.

8. Upper Tribunal Judge Hemingway ordered the DBS to submit representations setting out its position on JC's appeal. Those submissions are dated October 2022.

9. An Oral Permission to Appeal Hearing was ordered. In advance of that hearing JC sent in a further written response and some documents. The written response dated 25 April 2023 refers to the crown court trial, the retraction statement and the prosecution offering no evidence with the not guilty verdict being entered. There is criticism of the LADO process.

10. JC included a number of documents in relation to LADO. With no disrespect intended to JC, the DBS did not address these documents. They appear to be criticism of the LADO findings that substantiated the findings of DBS in light of the not guilty verdict and the June 1998 letter purportedly from NR. It takes the appeal no further forward.

11. There is also a letter from School B dated 3 October 2022 confirming JC's dismissal following his inclusion on the Children's Barred List.

Permission to Appeal

12. On 17 May 2023 the UT granted permission to appeal. The key issue for the appeal was JC's knowledge of NR's age when they had intercourse. The UT expressed some doubt in respect of JC's appeal. At para 5 it stated:

> "There are a number of reasons as to why it might be thought the appellant's prospects of success on appeal, if permission were to be given, would be weak. I am currently finding it hard to understand why, if things did not happen in the way NR has described, she would not only say that they had but take the trouble to report matters to the police with a view to a prosecution and all that such would entail for her. If she is lying, she has invented a quite detailed account involving three claimed sexual encounters. There was opportunity for her to have met the appellant either at the school she was attending or at the centre given the nature of his work and it appears that had they done so, that would have alerted the applicant to NR's young age. The statement of PM might also be regarded as affording some corroborative support to NR's account regarding not only the fact of the sexual activity but as to her claim that he knew she was only 15 at the time. Further, whilst the appellant asserts that he met NR as a result of her telephoning him on a number of occasions, that she presented as being an 18-year-old who herself worked with children, and that the impetus for sexual interaction came from her (he told me at the permission hearing she had expressly invited him round for sex), all of that, on one view, might seem implausibly bold for a 15-year-old."

Given the low threshold for the granting of permission, JC's consistent denials and the existence of the letter from NR of June 1998 which might on one reading support JC's case permission to appeal was granted.

13. This appeal concerns events that all took place in 1998 although the barring decision was not made until 2022, some 24 years later.

The evidence and the late evidence

14. The documentary evidence was in the 313-page Upper Tribunal bundle, which we refer to as the bundle. We also received a skeleton argument from Mr Serr, counsel, on behalf of the DBS, dated 19 August 2024 and a six-page undated statement from JC on the day of the hearing which summarised his case.

The statutory framework

Introduction

15. There are several ways under Schedule 3 to the 2006 Act in which a person may be included on one or other of the two barred lists. This appeal is concerned with what might be described as discretionary barring. This may be on the basis of either an individual's "relevant conduct" – in effect their past behaviour – (paragraphs 3 & 4) or the risk of harm they pose now and for the future (paragraph 5). This appeal concerns the former of those two discretionary routes to barring, which we now consider in more detail.

The basis for a "relevant conduct" barring decision

16. Paragraphs 3 and 4 of Schedule 3 to the 2006 Act deal with behaviour or "relevant conduct" in relation to children, and are in issue in the present case. So far as is relevant, they provide as follows:

> **9.**(1) This paragraph applies to a person if—
> (a) it appears to DBS that the person—
> (i) has (at any time) engaged in relevant conduct, and
> (ii) is or has been, or might in future be, engaged in regulated activity relating to children, and
> (b) DBS proposes to include him in the children's barred list.
>
> (2) DBS must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
>
> (3) DBS must include the person in the children's barred list if—
> (a) it is satisfied that the person has engaged in relevant conduct,
> (aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and
> (b) it is satisfied that it is appropriate to include the person in the list.
>
> **10.**(1) For the purposes of paragraph 9 relevant conduct is—
> (a) conduct which endangers a child or is likely to endanger a child;
> (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
> ...
> (2) A person's conduct endangers a child if he—
> (a) harms a child,
> (b) causes a child to be harmed,
> (c) puts a child at risk of harm,
> (d) attempts to harm a child, or

(e) incites another to harm a child.

Rights of appeal

17. An individual's appeal rights against a DBS barring decision are governed by section 4 of the 2006 Act:

> **4.**(1) An individual who is included in a barred list may appeal to the Upper Tribunal against—
> (a) …
> (b) a decision under paragraph 2, 3, 5, 8, 9 or 11 of Schedule 3 to include him in the list;
> (c) a decision under paragraph 17, 18 or 18A of that Schedule not to remove him from the list.
>
> (2) An appeal under subsection (1) may be made only on the grounds that DBS has made a mistake—
> (a) on any point of law;
> (b) in any finding of fact which it has made and on which the decision mentioned in that subsection was based.
>
> (3) For the purposes of subsection (2), the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.
>
> (4) An appeal under subsection (1) may be made only with the permission of the Upper Tribunal.
>
> (5) Unless the Upper Tribunal finds that has made a mistake of law or fact, it must confirm the decision of DBS.
>
> (6) If the Upper Tribunal finds that DBS has made such a mistake it must—
> (a) direct DBS to remove the person from the list, or
> (b) remit the matter to DBS for a new decision.
>
> (7) If the Upper Tribunal remits a matter to DBS under subsection (6)(b)—
> (a) the Upper Tribunal may set out any findings of fact which it has made (on which DBS must base its new decision); and
> (b) the person must be removed from the list until DBS makes its new decision, unless the Upper Tribunal directs otherwise.

18. We highlight sub-section (3), namely that "the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact" and so, in effect, is non-appealable. We now turn to the details of this appeal.

The Case Law

19. In respect of mistake of fact pursuant to SVGA 2006 S.4(2)(b) the law in this area is comprehensively set out in a series of Court of Appeal cases: *AB v DBS* (2021) EWCA Civ. 1575; *Kihembo v DBS* (2023) EWCA Civ. 1574; *DBS v JHB* (2023) EWCA Civ. 982; and *DBS v RI* [2024] EWCA Civ. 95. In summary:

(i) The case of *PF* represents the law.
(ii) The Upper Tribunal is entitled to make a finding that an appellant's denial of wrongdoing is credible, such that it is a mistake of fact to find that he/she did the impugned act. In so doing, the Upper Tribunal is

entitled to hear oral evidence from an appellant and to assess it against the documentary evidence on which the DBS based its decision. That is different from merely reviewing the evidence that was before the DBS and coming to different conclusions (which is not open to the Upper Tribunal).

(iii) Any mistake of fact must be material to the decision.

(iv) The UT needs to distinguish carefully a finding of fact from value judgments or evaluations of the relevance or weight to be given to the fact in assessing appropriateness.

(v) The UT should remit back if the appeal is allowed unless no other decision but removal from the Adults Barred List and Childrens' Barred List is permissible following the UT's decision.

20. An assessment of risk however is generally speaking for the DBS and what is and is not a fact should be considered with care. In *DBS v AB* (2021) EWCA Civ. 1575 Lewis LJ at para 55 stated:

> "the Upper Tribunal may set out findings of fact. It will need to distinguish carefully a finding of fact from value judgments or evaluations of the relevance or weight to be given to the fact in assessing appropriateness. The Upper Tribunal may do the former but not the latter. By way of example only, the fact that a person is married and the marriage subsists may be a finding of fact. A reference to a marriage being a "strong" marriage or a "mutually-supportive one" may be more of a value judgment rather than a finding of fact. A reference to a marriage being likely to reduce the risk of a person engaging in inappropriate conduct is an evaluation of the risk. The third "finding" would certainly not involve a finding of fact."

The DBS referrals, the investigation and the decision to bar

21. For present purposes we need only summarise the main features of the DBS process as follows. In the Final Decision letter dated 7 April 2022, the DBS set out the grounds for reaching its decision to place JC on the Barred Lists. It was satisfied that JC had engaged in conduct which harmed or could harm children and vulnerable adults. It stated that JC did not dispute that he had had sex with NR. However, he maintained that he thought she was an adult aged 18 and never had reason to question NR's age. The DBS said that JC suggested NR did not present as 15 and if he had any doubts, this would never have occurred. He challenged NR's account that they had first met at school and that during the residential she had sneaked out to meet him. He denied that he asked NR for sexual intercourse or sexual favours and denied asking or encouraging NR to perform oral sex on him. He suggested NR called him at the centre one evening and asked him to go over to her flat for a sexual favour. The DBS said that he agreed and had sexual intercourse.

22. He confirmed NR's mother visited him shortly afterwards to express her displeasure but did not mention her age. The DBS said that JC agreed and thought it was due to his ethnicity. It is said by JC that until February 2020 he had no idea that he had had sex with NR when she was under 16 and suggested he was devastated when he discovered she was a child and was ashamed of his actions.

23. In the letter DBS continued by stating that it was satisfied that NR was credible and that her account that JC was aware of her age was reliable, which was largely corroborated in witness statements from her mother, sister, and friend all of whom are regarded as credible and reliable. This view is supported by a priest, DHS' account who confirmed that at the age of 14/15, pupils would take part in preparation for Confirmation including a residential period at the centre. The DBS letter continued that NR stated that he knew her age due to the confirmation group being all school age students and she specifically told him when her birthday was. Given her credible account corroborated by multiple sources the DBS felt that there was no reason to doubt this. This is further supported by NR's statement that JC made it clear to her that he did not want anyone to find out about the relationship. NR's mother provided further corroborating evidence that when she found out that NR had had sex with JC age 15 and she went to see him where he was staying where he acknowledged that NR was too young. NR's mother said that JC did not mention that he had not known her age but accepted it was a stupid thing to do. She corroborated NR's account that JC definitely knew her age due to the confirmation group all being around 14/15 years old.

24. The DBS letter continued that JC's version that he thought she was 18 was considered to be unreliable given the compelling evidence that he was fully aware of her age through meeting her in his position of trust as a youth worker, at school, in her uniform before she specifically told him her age and birthday. The DBS said that the LADO's evidence corroborated NR's account and it was established by the LADO that he worked as a church volunteer in her school and that this is most likely how he came to meet her as alleged by NR. DBS said that the LADO substantiated the allegation and considered the relationship was a breach of trust and there was no reason to reach a different conclusion.

25. In their letter, the DBS said that given the compelling evidence that JC was aware of NR's age and that he accepted that he had sexual relationship with NR, the DBS was satisfied that sometime between February and June 1998, whilst he was 25 years old, JC abused his position of trust as a youth worker when he engaged in conduct of a sexual nature including sexual intercourse with NR, a 15 year old female child whom he met through his work at School A where she was a pupil.

The ABE interview

26. The full transcripts of NR's ABE interviews were included, suitably redacted, in the UT bundle. These are important as they are what she stated when interviewed by the police in 2020. The details set out below are NR's side of events and are relied upon by DBS to reach their decision. The first interview occurred on 7 February 2020 and is at pp 240-283 of our bundle. The second interview occurred on 23 September 2020 and is found at pp 285-303 of our bundle.

27. The following are relevant extracts from the 7 February interview:

(i) In 1998 NR lived in X and attended School A, the centre was at Y 5-10 minutes from X (p242)

(ii) NR went to the centre with her school or confirmation group. They had a phone conversation and he told her she stuck out like a sore thumb. NR looked older than she was (p246)

(iii) NR felt massive pressure to have sex with JC after he asked her (p247). This was after the 2 occasions of oral sex (p258)

(iv) They met up a number of occasions over weeks and he asked her to perform oral sex on him in his car on the sea front and elsewhere (p248/256). JC used to call her on the house phone (p249)

(v) The relationship lasted a couple of months between Feb and May when NR was 15 (p254)

(vi) JC asked to meet NR after everyone had gone to bed (p255)

(vii) NR told her father she was going to spend the night at a friend's house, her father was away in Spain, she went to work in a restaurant and when she returned home that night JC came to her father's maisonette as arranged (p259)

(viii) There was blood from NR losing her virginity (p265)

(ix) NR thought that JC was not circumcised but was seemingly unsure (p268)

(x) JC knew NR's father and had attended at her family church (p271)

(xi) NR's father became aware on his return from Spain that NR had lied about where she was on the Friday night. Her mother then became involved and she told her mother about JC (but not that they had had sex) (p273)

(xii) NR went to JC's house and he broke it off with her following NR's mother's visit to him (p274/280)

(xiii) JC would visit at NR's school with others from the centre (p276)

(xiv) NR states that she never told her mother that they had sex and her mother didn't know (p273/277) although PM says she did (p55) and NR seems to change her view in the later interview (p296).

28. The following are relevant extracts from the 23 September 2020 interview:

(i) JC would have seen NR in class in her school uniform (p287)

(ii) In July 1998 JC would have been 15 as her birthday is December (p289). She would have been in year 10 not her GCSE year (p298)

(iii) The first time they met was when she was at school (p290-291)

(iv) JC would have known her age because of the confirmation group (p291)

(v) NR told JC when her birthday was (p294)

(vi) JC did not want anyone finding out about their relationship (p294-295).

The Appellant's oral evidence

29. We heard first-hand from JC when he gave oral evidence. In addition to the written statement he had prepared, he answered questions from Mr Serr.

30. As Bean LJ observed in *DBS v RI*, "where relevant oral evidence is adduced before the UT in an appeal under s 4(2)(b) of the 2006 Act the Tribunal may view the oral and written evidence as a whole and make its own findings of primary fact" (at [31]). As Bean LJ added later, "where Parliament has created a tribunal with the power to hear oral evidence it entrusts the tribunal with the task of deciding, by reference to all the oral and written evidence in the case, whether a witness is telling the truth" (at [37]). In the same Court of Appeal judgment, Males LJ ruled (at [55]) that where an appellant gives oral testimony:

> "… the evidence before the Upper Tribunal is necessarily different from that which was before the DBS for a paper-based decision. Even if the appellant can do no more than repeat the account which they have already given in written representations, the fact that they submit to cross-examination, which may go well or badly, necessarily means that the Upper Tribunal has to assess the quality of that evidence in a way which did not arise before the DBS."

Submissions

31. In his closing submissions, both written and oral, Mr Serr made several points which he submitted cast some doubt on the Appellant's credibility. Firstly, he said that the evidence of NR was clear, cogent and has the ring of truth to it. He said that she was told to keep the relationship a secret, that he pressured her for sex and sexual favours and groomed her.

32. Secondly, he said that there was no obvious reason for NR to lie. She has nothing to gain by making her complaint and putting herself through the trauma of a criminal trial. Further, he noted that many aspects of NR's evidence are admitted by JC. It is unclear why she would tell the truth about them having sex but lie, for example, about the oral sex on the previous occasions.

33. Next, Mr Serr said that NR was clear that they met both in her school and at the centre prior to her confirmation. He submitted that this would have inevitably indicated to JC NR's age. This was corroborated by Priest DH and her friend CF who was on the confirmation residential with her (p41-42). JC's version of how they met in contrast is vague and improbable - he asserts she rang him out the blue at the centre (p115).

34. Mr Serr next submitted that the other evidence would have inevitably led to JC realising NR was not an adult. For example, she could not drive; she lived with her father; she was only 15 ½ and she had clearly not had sex before when they had intercourse at her father's house. In addition, he submitted that JC knew NR's father and attended her church although this is denied by JC (p115).

35. Mr Serr continued that aspects of NR's account are corroborated by her sister KLJ, particularly the discovery of the condom (p45) and by NR's mother's clear evidence that when she confronted him and told him that NR was 15 he did not express

any surprise. The fact of the confrontation is not disputed by anybody. In addition, the letter purportedly from NR dated June 1998 actually supports NR's account. It is not unfamiliar for a young child such as NR to be in thrall to their abusers as she clearly was. The letter displays classic evidence of grooming and manipulation says Mr Serr.

36. Mr Serr says that at the Oral Permission Hearing (which he attended), JC contended that NR said he was a circumcised and that others had regarded her as a slut and this was contained in some documentation (p230). He says that the former point is said to undermine the allegation about oral sex. It is unclear why the latter point is of any relevance. In any event the ABE does not support this. She was unsure of whether he was circumcised. The reference to slut is at p280 and appears to be in relation to comments made by friends who found out about the "relationship" and was essentially juvenile bullying.

37. In relation to the criminal proceedings, Mr Serr submitted that there is a statement at pp 49 to 50 in which NR explains her reasons for no longer wishing to support a prosecution. This was not because the rapes did not occur. The CPS were of the view the public interest test was satisfied. Nothing can be inferred from the fact that the prosecution ultimately did not continue against NR. The age of the offence (being 1998) meant that the offence of unlawful sexual intercourse with a girl under 16 had a 12-month time limit and a 2 year maximum sentence (by virtue of s6 Sexual Offences Act 1956) and could not be charged. The Sexual Offences Act 2003 subsequently removed the ability of Defendants to argue that a child under 16 consented. In this case the Prosecution charged JC with indecent assault which was not appropriate on the facts, possibly because it had no other offence it could charge likely to secure a conviction (rape having no limitation but likely to be met with a defence of consent).

Conclusions on grounds of appeal

38. Having looked at the letter sent by NR to JC we are satisfied that it is not sexual in nature and that there was no suggestion that it was indicative of adult entrapment.

39. We note that JC was keen to get round to NR's house for sex and it was also clear that they were not in a proper relationship. Even if she was consenting, in his pastoral role and as a mentor, JC should have been saying slow down and not indicate that it was appropriate for NR to offer herself to him.

40. If JC had the higher morals that he suggests to us that he had, he would have stepped away at the point where he was aware that he was taking NR's virginity. Regardless of the age he thought NR to be, JC was in a position of trust and even if NR's mother did not mention her age (which we believe she did) JR should have been aware of their different roles.

41. It follows from the last paragraph that we do not accept that NR's mother did not say that she was 15, given that that was the whole point of her going round to talk to JC. Even if NR was saying that she was at the age of consent and 16, it was self-evident JC was aware that she was still at school because he visited it and hence in a position of trust. That would apply even if NR was over 16.

42. We regard the trip to Lourdes as being something of a red herring. On such a trip NR would have been 'marked' as her actual age and so JC would have known that she was a minor.

43. In relation to the youth event, we do not accept that is where NR first contacted JC because, if she was one of 200 present, it would have been a very confident step to take. We believe that after JC had visited School A, it was more likely that the first direct contact would have been in the small confirmation group of about 30. We are satisfied and find that NR was 15 when they met and that the opportunities for meeting were limited to the centre and school A.

44. We are satisfied that the confirmation group was the main opportunity because the first contact of her phoning him leads us to conclude that she knew him well enough to contact him by phone. This meant that she must have met him before and the phone conversation was after the retreat. We note that there was significant direct contact before the call but that there was no demand for sex at that point. There was clearly a friendship developing through calls which led to the meeting.

45. We also conclude that if they were both working with children, as JC suggests, there would have been some common ground between them and they would have developed a conversation about where they worked, whether they knew X or Y (for example) and would have talked about what they did. The fact that JC cannot remember any such conversations suggests that he is inaccurate in this suggestion.

46. As we have already said, it is clear to us that NR's mother did visit JC when NR was 15 and he was in his 20s and this was her attempt to "warn him off".

47. We asked ourselves several questions to assess the evidence and credibility of the conflicting accounts. Where else could he have met her if not at school or the centre? If they were both working, wouldn't some other venue be more appropriate? JC's lack of shock and surprise when NR's mother spoke to him is telling. Why was he not shocked or surprised?

48. Again, JC said in his evidence that to be over 16 in the confirmation class was the exception and so the people in those groups would have been 14 or 15. We note that the confirmation groups comprised either adults or young people; that there was no mixed age group. On that basis we do not understand why JC could have assumed that NR was 18.

49. The criticism made by JC was about the allegations that had been made, but that's all they were, only allegations. We have not relied upon them for our decision and neither has the DBS in their "Minded to Bar" letter. Even if they are factually accurate, they are not proven in this hearing and so cannot form part of our decision.

50. We conclude that JC wilfully and knowingly closed his eyes to NR's age and even if he did not, he failed to understand the issue of breach of trust.

51. It follows that we conclude there is no error of law or material mistake of fact by the DBS in relation to the matters relied upon to support the barring decision.

Disposal

52. Having decided that the overall DBS decision does not involve any material mistake of fact or error of law, there can only be one outcome to this appeal. This is because section 4(5) of the 2006 Act states as follows:

(5) Unless the Upper Tribunal finds that has made a mistake of law or fact, it must confirm the decision of DBS.

53. That being so, we must by law confirm the DBS's decision.

HHJ Simon Oliver sitting as a judge of the Upper Tribunal
Upper Tribunal Member Ms Rachael Smith
Upper Tribunal Member Mr Matthew Turner

Authorised for issue on 19 December 2024