



Neutral Citation Number: [2026] UKUT 215 (AAC)

Appeal No. UA-2025-000225-V

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER**

**The Upper Tribunal has made an order prohibiting the disclosure or publication
the names or any matter likely to lead members of the public to identify 3
individuals named on page 125 of the bundle**

Between:

LJP

Appellant

- v -

Disclosure and Barring Service

Respondent

Before: Upper Tribunal Judge Citron, Mr Hutchinson and Ms Bainbridge

Hearing date: 19 March 2026

Hearing venue: Field House, Breems Buildings, London EC4

Representation:

Appellant: by herself

Respondent: by Richard Ryan of counsel, instructed by DAC Beachcroft

SUMMARY OF DECISION

SAFEGUARDING VULNERABLE GROUPS: Findings of fact (65.9)

The appellant was a carer who from time to time was engaged by an agency to carry out care assignments. DBS, in deciding to include the appellant in the adults' barred list, made a factual finding that the appellant had accepted such a care booking but then failed to attend and allowed someone else to attend in her place. It was common ground that an imposter had attended the care booking in the appellant's place: the

question was whether DBS had made a mistake because, according to the appellant, because of extraordinary circumstances at the time (it was during the Covid pandemic), someone else had charge of the appellant's phone at the time and had made the agency booking without the appellant's knowledge or consent. Upon weighing the evidence, the Upper Tribunal found that, on the balance of probabilities, DBS had not made a mistake in finding that the appellant had foreknowledge of the booking, had in effect accepted it, and had allowed the imposter to attend in her place. The appeal was therefore dismissed.

Please note the Summary of Decision is included for the convenience of readers. It does not form part of the decision. The Decision and Reasons of the Upper Tribunal follow.

DECISION

The decision of the Upper Tribunal is to DISMISS the appeal. The decision of the Respondent (DBS reference DBS6191 00967026684) made on 2 June 2021 (and sent to LJP on 7 March 2024) to include LJP in the adults' barred lists is confirmed.

REASONS FOR DECISION

This appeal

1. This is an appeal against the decision ("**DBS's decision**") of the Respondent ("**DBS**") dated 2 June 2021 (and sent to LJP on 7 March 2024) to include LJP in the adults' barred list.

The legislation underlying DBS's decision

2. DBS's decision as regards the adults' barred list was made under paragraph 9 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (the "**Act**"). This provides that DBS must include a person in the adult's barred list if
 - a. it is satisfied that the person has engaged in relevant conduct,
 - b. it has reason to believe that the person is, or has been, or might in the future be, engaged in regulated activity relating to vulnerable adults, and
 - c. it is satisfied that it is appropriate to include the person in the list.
3. Under paragraph 10, "relevant conduct" for the purposes of paragraph 9 includes conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult; and a person's conduct "endangers" a vulnerable adult if she (amongst other things)

- a. harms a vulnerable adult
- b. causes a vulnerable adult to be harmed
- c. puts a vulnerable adult at risk of harm or
- d. attempts to harm a vulnerable adult.

Jurisdiction of the Upper Tribunal

- 4. Section 4(2) of the Act confers a right of appeal to the Upper Tribunal against a decision by DBS under paragraphs 9 and 3 of Schedule 3 (amongst other provisions) only on grounds that DBS has made a mistake
 - a. on any point of law;
 - b. in any finding of fact on which the decision was based.
- 5. The Act says 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” (section 4(3)).

DBS’s factual findings

- 6. DBS’s decision was based on a factual finding that, prior to 2 October 2020, LJP accepted a contract to provide live in care for a vulnerable adult; but she
 - a. failed to attend in order to provide care between 2 October 2020 and 8 October 2020; and
 - b. allowed another individual, who had not been vetted for the role and whose qualifications are unknown, to attend in her place.
- 7. DBS elaborated on the above in its decision letter, finding that
 - a. LJP was aware that an individual pretending to be her attended to provide care for the vulnerable adult, but LJP did not take steps to prevent this or report it;
 - b. LJP failed to notify the agency that she would not be attending or to ensure that this replacement carer was appropriately trained and vetted; this behaviour was deliberate as LJP was aware that they were using her identity; and
 - c. the care of the service user was neglected by this individual, and significant harm was caused to them by this neglect.

The Upper Tribunal proceedings

8. Permission to appeal, limited to the ground of mistake in the findings of fact of DBS as just described, was given in a decision of Judge Citron issued on 30 October 2025. LJP's case was that DBS's factual findings were mistaken because both
 - a. the acceptance of the contract to provide care to the vulnerable adult in question, and
 - b. the attendance by a third party on this vulnerable adult,were done without LJP's knowledge or consent.
9. LJP's account was that
 - a. she had worked for the introductory live in care agency, for about two years, prior to this incident;
 - b. she was seriously ill with covid at the time, and was also isolating herself;
 - c. she had asked two friends (whom she knew from church) to take care of her personal affairs whilst she was unwell; she gave them access to her phone and to her emails for that purpose;
 - d. one of these individuals had abused her trust by doing (or enabling someone else to do) the things DBS found to have been done (but without LJP's knowledge or consent), pretending to be LJP's daughter;
 - e. LJP was a victim of fraud and dishonesty carried out by others.
10. At the permission hearing, LJP told Judge Citron she would approach
 - a. one of the two friends to whom she entrusted her phone and personal affairs whilst she was ill (she is no longer on good terms with the other friend); and
 - b. another person who knew her well during this period (and could attest to her state of health at the time)to see if they would be willing to give witness evidence at a hearing of the Upper Tribunal. LJP said she would not be able to bring documentary evidence of her illness at the time, as she was isolating, and had not seen her GP.

11. LJP herself gave evidence at the Upper Tribunal substantive hearing on 19 March 2026, including via cross examination and answering questions from the panel. LJP's husband also attended that hearing and gave oral evidence; he had met LJP, through church, in August 2020; he was not married to her at the time of the incident in question. LJP did not bring the church friend, to whom she said she entrusted her phone at the relevant time, to give oral evidence; this was because, LJP said, that individual had a prior engagement.

Documentary evidence in the Upper Tribunal bundle

12. Evidence in the Upper Tribunal bundle of 138 pages included:
- a. the referral (to DBS) from the agency (which described itself as "personnel supplier – employment business or agency") that made the booking for LJP to provide care to a vulnerable adult in October 2020; this
 - i. showed LJP's date of birth; she was in her early 40s at relevant times;
 - ii. showed LJP's nationality as South African;
 - iii. showed LJP's work as providing live-in care services to vulnerable adults; her job role was "carer";
 - iv. stated that the agency was an "introductory agency" and that LJP was not "directly employed" by the agency;
 - v. summarised the circumstances resulting in the referral, thus: "fraudulent activity – carer was being imitated by her daughter during a placement as her mother did not want to leave the house";
 - vi. recorded the "chronology of events" thus: "[LJP] (carer) arrived on [2 October 2020] and the family [of the vulnerable adult being cared for] had instant concerns that the carer who turned up wasn't the carer who they had selected. The customer questioned the carer about her work history, personal details and still wasn't convinced. Daughter admitted she has been doing her mum's care work as she is scared to leave the house. Case went to safeguarding meeting at organisation and the decision was made to revoke access to [agency's] platform."

- b. the agency's case notes about LJP; this showed LJP had been "onboarded" to the agency in March 2019; that her history with the agency was 35 weeks of care and 13 customers; it recorded that the agency's "head of clinical" had determined that "the advertised carer's daughter had impersonated her at the placement"; it said that LJP had refused to engage with the agency when contacted by phone; it said the agency later received contact from LJP on 12 October 2020 asking to be removed from the agency's platform;
- c. emails between family members of the vulnerable adult involved, and the agency, dated 9-12 October 2020; this includes the following passage, written by a family member of the vulnerable adult, about what happened on Thursday 8 October 2020, as the person impersonating LJP was leaving the residence of the vulnerable adult for the last time (in this extract, "I" is the family member, and 'LJP' (in inverted commas) refers to the person impersonating LJP) (and, to give context, the "video" referred to was an introductory video, showing LJP, supplied by the agency to the vulnerable adult and her family, prior to the start of the care booking):

When 'LJP' left, I followed her to the door and she said I guess I need to speak to you. She said you are right, it is my Mum in the video, my name is Gift. She said her mum was worried about catching Corona Virus and didn't want to work so Gift had started doing her jobs. ... She then went on to say that she had taken her Mum's phone and her Mum was angry with her and she 'LJP' was worried her Mum might throw her out when she returned home

The emails also say this, at an earlier point in the chronology:

I sent a message on What'sApp on the phone [number] you [the agency] have for LJP [number quoted] on [Thursday] 1 October asking her about food she wanted etc. I had messages back on this phone about that and general chat between. On [Friday] 2 October I had What'sApp from this phone [number] saying she was at station and on her way so I had no reason to doubt that the person arriving was not LJP ... My later messages to her on 5 Oct and 7 Oct on What'sApp on this [number] were delivered but were not read.

...

I first questioned 'LJP' that she did not look like the woman in the video when she arrived. She said video was done a few years ago and since then, especially with Corona virus she had decided to lose weight, lost 2½ stone and also did her

hair differently now. I even showed her and [deleted name] the outgoing carer the video. 'LJP' said she must have been having a bad day that day and she would have to get a better video done. She said she was 35. (I did not know how old the LJP in the video until [deleted name] told me in a later call – 43).

...

Saturday 3 October, I did not visit [the vulnerable adult] but phoned morning and evening. The only thing [the vulnerable adult] said was wrong was that Gift could not get near the dog to take her down the garden. I phoned LJP phone [number] and left message for her to contact me about the dog to see how she could get her down the garden. 'LJP' phoned me back from a different phone [number] which I did not realise was different at the time. I called and left another message on phone later and again she phoned me back from the different phone.

...

Monday 5 October. I phoned [the vulnerable adult] at lunchtime and she said 'LJP' had not done her exercises with her yet. I WhatsApped 'LJP' on LJP [number] and asked her to make sure she did them. (Message was delivered but not read). 'LJP' phoned me later in afternoon as downstairs lights were not working I went up there about 3.30 ... I said I had sent her a message about exercises but she had not replied to it. She told me the phone wasn't working anymore and she was using another one.

- d. emails between the agency and LJP, dated 12, 13 and 21 October 2020; this included

- i. a 12 October 2020 email from the agency's head of clinical, timed at 14:03, which said:

Following my attempts to have a discussion with you earlier today on two occasions, and following negative feedback from a customer, we have had to restrict your access to the [agency] platform

Please can you contact me to discuss this incident further.

- ii. an email response from LJP of the same day, timed at 19:38, saying

Further to our telephone conversation today, I am sorry I was not able to get back to you earlier. Just to let you know that I am currently suffering from health issues and now unable to carry on working for you

at the moment, please accept this note as my resignation from my role with you, apologies for any inconvenience caused.

- e. a photograph of LJP alongside a photograph of another person
- f. DBS's barring decision summary document.

LJP's evidence

13. LJP said in her appeal form that she was completely unaware of the situation: she had not accepted a contract to provide live in care for a vulnerable adult. She worked for an agency at the time but had fallen ill with corona virus. Whilst she was isolating, a friend who was looking after her had taken her phone and accepted work through the agency posing as her but without her knowledge. She only became aware of this when DBS contacted her. She contacted her friend about this but she blocked her phone and LJP never heard from her or whereabouts.
14. LJP's oral evidence included the following:
 - a. In September 2020 she developed Covid-like symptoms – coughing and temperature. Covid was new and frightening at the time. She isolated herself as a result. She could not answer the phone or do shopping. She lived in a house with others, including people she knew from church and were friends. She gave her phone one such friend, so she could use it to speak to, and email, family of LJP's in South Africa. LJP felt in fear of her life. This lasted to the end of October 2020.
 - b. LJP does not dispute that someone impersonated her as a carer working for the agency, and attended on the vulnerable adult in question – but LJP maintained she had no idea, at the time, that this was happening.
 - c. LJP explained how working for the agency was organised from the care worker's perspective: one went on to the agency's website to create a profile; one was asked for references; the agency then admitted you to their pool of carers; the agency then offered you work for particular clients; if you agreed to a particular client, the agency would send you an email with client's phone number and details. Everything was done digitally.
15. In cross examination LJP's evidence included the following:

- a. When she was ill with corona virus and gave her phone to her friend, it was so the friend could answer the phone on her behalf, and do things LJP said she couldn't, like do the shopping; the friend would drop food at the door. LJP said she even gave bank details to this friend, so she could draw funds from LJP's bank account. LJP said she could not herself speak on the phone at this time because of her coughing. She stressed that she feared for her life, due to the virus. LJP said she got her phone back in late October 2020. LJP said that an email in the evidence, from her to the agency, dated 12 October 2020, was not actually written by her (this email said that she was suffering from health issues and was unable to work at the moment; she said she resigned from her role with the agency).
- b. She described the two friends to whom she gave access to her phone at the time, as Patricia and Gloria. It was Patricia who, LJP says, she approached to give evidence at the hearing (but was, in the event, unable to attend). LJP said it was Gloria who "blocked" her when LJP contacted her at a later time.

LJP's husband's oral evidence

16. LJP's husband's oral evidence was that he lived in the same area as LJP in 2020; he first met her in August 2020, at a church event; he said 'Patricia' lived in the same house as LJP at the time; he recalled that LJP was not attending church in late September 2020; he asked Patricia why – Patricia told him LJP was very ill, and that she, Patricia, had LJP's phone; he did not think LJP was in touch with Patricia any longer.

LJP's arguments on the evidence

17. In her comments about evidence before the Upper Tribunal (other than her own), LJP drew attention to the family member's account of the impersonator's "confession" when she was leaving the vulnerable person for the last time. LJP stated that she did not have a daughter of the age that the impersonator purported to be. LJP noted that, according to the family member's account, the impersonator did not say that her mother asked her to impersonate her; according to that account, the impersonator took it upon herself, to do so. LJP also pointed out that the impersonator said that her mother became angry with her (seemingly, for having taken her mother's phone); LJP submitted that this showed that the impersonator knew she had done something wrong. LJP submitted that she was herself vulnerable, and people took advantage of her.

18. LJP also drew attention to this, in DBS's barring decision summary document, as it refers to "insufficient case material" / "lack of information" to carry out a risk assessment:

It is considered that there is insufficient case material with which to carry out an effective risk assessment. In addition, it appears that LJP has intentionally carried out neglectful behaviour which caused, or had the potential to cause, significant harm to a vulnerable adult. This behaviour appears to indicate such an unacceptable risk of future harm that a 'Minded to Bar' decision is appropriate. As such, having considered DBS operational guidance, the decision has been made to progress the case straight to 'Minded to Bar' given the lack of information with which to undertake a risk assessment, and the significant risk of harm posed by LJP's deliberate behaviour.

DBS's submissions in brief

19. DBS submitted that LJP's explanation was highly implausible. Amongst the arguments in DBS's response (filed on 26 November 2025) were:
- a. The family member of the vulnerable person recorded that she contacted 'LJP' (i.e. the impersonator) using LJP's phone number, but that the impersonator phoned back on a different phone. DBS submitted that if the impersonator had LJP's phone, it was hard to see why she did not use it to call back. DBS submitted that it was more likely, on balance, that LJP retained her phone and was relaying communications to the impersonator.
 - b. DBS invited LJP to give it details of the friends who, LJP said, assisted her and held her phone; and to tell DBS if LJP had reported the alleged fraud to the police.

Our conclusions on whether DBS made a material mistake in its factual findings

20. It was common ground that an arrangement had been made on the agency's booking system, for LJP to attend a particular vulnerable adult in early October 2020 – and that, in fact, LJP did not attend and care for that vulnerable adult, but someone else (the 'imposter') did, and that imposter held herself out as being LJP during the course of her caring for the vulnerable adult, until she was walking out the door on her last day, at which point she 'confessed' that she was not LJP, and claimed to be LJP's daughter, and to be named Gift.
21. The point in contention in this appeal was whether LJP knew about this booking with the agency, and whether she allowed the imposter to attend in her place.

These are the elements of DBS's factual findings which LJP contends are mistaken.

22. The arguments in this appeal focus on the questions of who had control over and access to LJP's phone in September and early October 2020 (as the agency's booking system was accessed electronically, including via a mobile phone); and whether, if the person with control over, and access to, LJP's phone was not LJP herself, that other person was informing LJP of what they were doing with LJP's phone, as regards this particular booking with the agency.
23. Our starting point is one of common sense: a person will not ordinarily surrender control over their mobile phone to someone else; and if, for some unusual reason, they do, they will ordinarily seek to make sure the other person does not use the phone other than in accordance with the phone-owner's wishes. This is because mobile phones offer access to important and sensitive information – including, in this case, access to a booking system with a care agency.
24. LJP's evidence is that because of extraordinary circumstances at the time – her coming down with Covid at a relatively early stage of the global pandemic that began earlier in 2020, such that she feared for her life – she took the extraordinary step of entrusting her phone to two friends from church, and she had no control over or information about what they were doing with her phone, until her phone was returned to her in late October 2020 (by which time she was feeling better). This, she says, explains how the agency booking in early October 2020 was made without her knowledge or consent; and the imposter must have been either one of her two church friends, or some other person in turn informed of the booking by those two friends.
25. There is virtually no corroborating evidence for what LJP says: there is no contemporaneous evidence about her state of health in September/early October 2020 (she says she did not go to the GP, as she was quarantining); and LJP did not adduce written or oral evidence from either of the church friends to whom she says she gave control over her phone – she told the judge at the permission hearing she would try to approach one of them to give evidence at the substantive hearing (if permission were granted), but, in the event, the one she said she approached, was not available to attend the Upper Tribunal hearing. We say “virtually” no corroborating evidence since, in his oral evidence to the Upper Tribunal, LJP's husband said that, at the time, one of the church friends told him that LJP was quite unwell and had given her her phone.
26. In addition to the paucity of corroborating evidence supporting LJP's account, there is one piece of the written evidence which, in our view, contradicts that

account in important respects: this is the email exchange between LJP and the agency's head of clinical on 12 October 2020, in which the email from LJP to the agency's head of clinical refers to a telephone conversation between them earlier that day. It seems to us very unlikely that an impersonator would have been able to have such a conversation, without being discovered, particularly in circumstances where the agency knew that an impersonator had just attended on one of the agency's clients; in other words, in our finding, the person who spoke with the agency's head of clinical on 12 October 2020 was LJP herself; this materially contradicts LJP's account, both because LJP claims not to have had control or possession of her phone until the end of October 2020 (and not to have written the email in her name of 12 October 2020), but also because, importantly, that conversation occurred after the agency knew about the impersonation episode, and so would have included the agency's head of clinical questioning LJP about what had just occurred. This shows that LJP was aware of someone impersonating her as early as 12 October 2020 (whereas, on her account, she knew nothing about it until she discovered that she had been barred by DBS on account of it).

27. This point damages LJP's credibility. It does not, of course, mean, or necessarily prove, that the rest of LJP's account is false; but even if we accept LJP's core proposition, that, in September and early October 2020, she was ill with Covid, isolating herself, and relying on church friends to help her cope, including by taking charge of her phone to communicate with others (at times) and help her bring in shopping, that is a far cry from saying that LJP surrendered *all* possession and control over her phone to these two church friends *for extended periods of time*, such that they could use LJP's phone make a booking with the agency and that LJP would have no knowledge of it (at least prior to LJP's telephone discussion with the agency on 12 October 2020). It is far more likely, in our view, and taking a realistic view of the facts, that LJP gave over control over her phone to her church friends *for limited purposes and limited periods of time*; and therefore, even if she did not herself make the booking with the agency, she knew about it (because she recovered possession and control over her phone after her friends used it to do whatever she instructed them to do) and therefore consented to it (by doing nothing to counteract it, or inform the agency that she was in no position to carry out the booking). Given LJP's damaged credibility, and her failure to adduce corroborating evidence for her account other than, to a limited extent, from someone who is far from impartial and who was attempting to recall details of conversations that took place 5½ years ago (i.e. her current husband), we find the likely course of events, even if we accept LJP's basic proposition about her illness at the relevant time, to have been as just described.

28. In other words, in our view, based on the evidence adduced and the balance of probabilities, DBS did not make a mistake in finding that LJP accepted the booking and allowed the imposter to attend in her place: this is because, we find, LJP knew about the booking with the agency before it was carried out (by the imposter), and, by not doing anything to stop the booking going ahead and/or to inform the agency that she was not herself able to carry out the booking, she effectively accepted the booking and allowed the imposter to attend in her place.
29. For completeness, we record that we have not been swayed by LJP's submissions on the evidence in the email from the vulnerable adult's family member, to the effect that the imposter told the family member that she had taken her mother's phone, and that her mother was angry with her (i.e. supporting LJP's case that she was not aware of the booking): this report carries little credence, not least because LJP's own evidence was (1) this imposter was not in fact her daughter (so the imposter was lying about that), and (2) LJP gave her phone to her church friends, for the purpose of assisting her – LJP was not, on her evidence, "angry" with her church friends by reason of their having possession of her phone.
30. Similarly, we have not been swayed by LJP's submission to the effect that DBS's "barring decision summary" document notes "insufficient case material" / "lack of information" to carry out a risk assessment: this is an opinion of DBS's on the matter of carrying out a risk assessment; whereas, the Upper Tribunal's task, is not to carry out a risk assessment, but rather to decide, on the evidence before it, whether DBS has made a mistake in its material factual findings; and this is, indeed, what we have done.

Disposal

31. It follows that, in our view, DBS's decision did not make any material mistake in its factual findings. As that was the only ground on which permission to appeal was given, it follows that we must confirm DBS's decision.

Zachary Citron
Judge of the Upper Tribunal

John Hutchinson
Elizabeth Bainbridge
Members of the Upper Tribunal

Authorised by the Judge for issue on 8 June 2026