

**Care Standards**

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

**[2018] 3473.EY-SUS & [2018] 3474.EY-SUS**

**Heard on 22<sup>nd</sup> October 2018 at:  
Wakefield Civil & Family Justice Centre**

**BEFORE  
Tribunal Judge Timothy Thorne  
Specialist Member - Michael Flynn  
Specialist Member - Denise Rabbetts**

**BETWEEN:-**

**EMMA VICTORIA BATTERSBY**

**1<sup>st</sup> APPELLANT**

**AND**

**FLUTTERBIES (CHILDCARE SOLUTIONS) LIMITED**

**2<sup>nd</sup> APPELLANT**

**-v-**

**OFSTED**

**RESPONDENT**

**DECISION**

**The Appeal**

1. Ms Emma Victoria Battersby (“the 1<sup>st</sup> Appellant”), appeals to the Tribunal against Ofsted’s (“the Respondent”) decision dated 18 September 2018 to suspend her registration from the Early Years Register for a further period of six weeks from 19 September 2018 to 30 October 2018 pursuant to section 69 of the Childcare Act 2006 (“2006 Act”) and the Childcare (Early Years and General Childcare Registers) Common Provisions) Regulations 2008 (“2008 Regulations”). She is the sole owner of Flutterbies Nursery, Rotherham, South Yorkshire, the “Parkgate Nursery”.
2. Ms Battersby is also the sole director of Flutterbies (Childcare Solutions) Ltd (“the 2<sup>nd</sup> Appellant”), which operates from The Unity Nursery in Rotherham, the “Unity Nursery”. The 2<sup>nd</sup> Appellant also appeals against Ofsted’s decision dated 18 September 2018 to suspend registration for a further period of six weeks from 19 September 2018 to 30 October 2018. Both appeals have been consolidated.

**Attendance**

3. Mrs. Battersby attended the hearing and was represented by Mr Shaun Perera. Mr Gordon Reed, Solicitor, represented the Respondent. Ms Blackburn

(Regulatory Inspector), Ms Plewinska (Early Years Senior Officer) and Ms Street (Ofsted Inspector) were called as witnesses on behalf of the Respondent.

### **Restricted Reporting Order**

4. 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 their parents in this case so as to protect their private lives.

### **Background**

5. The event which precipitated the various suspensions (outlined in more detail below and in the decisions of previous Tribunals) was an incident which allegedly took place at the Parkgate Nursery on 19 February 2018 which resulted in a member of staff calling the police for emergency support in dealing with Mr Perera, who was acting in an inappropriate manner.
6. The police attended the Parkgate nursery and as a consequence made a Child Protection Referral to the Local Authority that same afternoon. The Local Authority Designated Officer (LADO) for safeguarding notified the Respondent of the incident involving Mr Perera who they believed was the partner (or ex-partner) of the Appellant.
7. The Respondent imposed a first suspension on 21 February 2018 to remain in force until 3 April 2018. There was no appeal to the Tribunal.
8. On 4 April 2018, the Appellant was given notice of a second period of suspension that would continue until 15 May 2018. That was appealed by the 1<sup>st</sup> Appellant and the suspension was confirmed following a hearing on 10 May 2018 (decision issued on 16 May 2018).
9. On 17 May 2018, the Appellant was given notice of a third period of suspension that would continue until 26 June 2018. That was subject of an appeal to the Tribunal by the 1<sup>st</sup> Appellant and suspension was confirmed following an oral hearing in a decision dated 27 June 2018.
10. On 3 July 2018, the Appellant received notice of a fourth period of suspension that would continue until 7 August 2018. This was also subject of an appeal to the Tribunal by the 1<sup>st</sup> Appellant, which confirmed the suspension, having considered it on the papers in a decision dated 2 August 2018.
11. A fifth suspension set to expire on 18 September 2018 was also the subject of an appeal to the Tribunal by the 1<sup>st</sup> Appellant. The Tribunal confirmed the suspension, after an oral hearing in a decision dated 17 September 2018.

### **The Present Appeals**

12. The sixth suspensions were imposed on 18 September 2018 which are due to expire on 30 October 2018. All suspensions outlined above were in relation to both Appellants. The appeals before us was the fifth appeal by the 1<sup>st</sup> Appellant and the first appeal by the 2<sup>nd</sup> Appellant against their suspensions by Ofsted.

13. The Respondent's latest concerns were set out in a letter dated 18 September 2018 which can be summarised as follows:
- a. On 19 February 2018 Mr Perera, entered the Parkgate Nursery and behaved in an intimidating, threatening and aggressive manner towards Mrs Battersby and her staff whilst children were present.
  - b. On 20 February 2018 Mrs Battersby allowed Mr Perera into the Parkgate Nursery again
  - c. Ofsted was informed of 2 other domestic incidents that had occurred where Mr Perera had behaved inappropriately at the nursery. This was denied by Mrs Battersby
  - d. Ofsted was informed of a number of allegations of domestic abuse taking place in public and at both Parkgate and Unity nurseries.
  - e. Mrs Battersby had failed to reassure Ofsted that she understood that Mr Perera's behaviour risks harm to children and adult staff alike.
  - f. Mrs Battersby had failed to reassure Ofsted that she would be able to stop it happening again.
  - g. Mrs Battersby had failed to cooperate with Ofsted's enquiries. She had failed to attend for interview on a number of occasions and had failed to fill in a health declaration booklet.
  - h. There were concerns about her health and whether she was well enough to care for children
  - i. There were concerns about the quality of care provided at the nursery.
  - j. There were concerns about the level of control Mr Perera had over Mrs Battersby and the nurseries. It was unclear whether he had part ownership of the business and appeared to exercise some control over the operation of the business. He appeared to be coercive and controlling in his relationship with Mrs Battersby. He had represented her during the appeal process and Tribunal hearings.
  - k. Although Mr Perera's resignation letter and P45 certificate had been submitted, Ofsted was still concerned that Mrs Battersby would not prevent him from continuing to access the nurseries.
  - l. There were concerns about the recruitment and vetting procedures at the nurseries.
14. In the Grounds of Appeal the Appellants' case was set out and can be summarised as follows: the details of the events of 19 February 2018 remain in dispute and there are doubts about the motives of those providing information to the Respondent about that event and others relied upon by Ofsted. In addition Mr Perera had handed in his resignation and Mrs Battersby had no relevant medical concerns.
15. In response to the Grounds of Appeal, the Respondent served an "Outline Grounds of Opposition to Appeal" dated 5 October 2018. It stated that there are reasonable grounds to believe that a child in the care of the appellants is or may be exposed to risk of harm and that the suspension was necessary to enable steps to be taken to reduce or eliminate that risk of harm which is not reasonably practicable to complete within 12 weeks.
16. Moreover, Ofsted's investigation had now been concluded and on the 3 May

2018 a Notice of Intention to Cancel the Appellants' registrations was issued. Following representations Ofsted issued a Notice of Decision to Cancel the registrations on the 21 August 2018. Appeals have been lodged against the decisions which will be heard in due course.

17. The Grounds of Opposition to Appeal reiterated the concerns set out in the previous letter. In addition the following matters were outlined:
- a. Mrs Battersby had still not submitted the health declaration booklet. The letter from her GP was not sufficient to address Ofsted's concerns about her health
  - b. After many attempts Mrs Battersby finally agreed to be interviewed by Ofsted on the 26 September 2018. However, Ofsted's concerns were not allayed by her answers.
  - c. In relation to the Unity nursery, the premises were now being used by another organisation (providing services for adults with dementia). Therefore, there was a risk that children would come into contact with persons whose suitability have not been assessed. Moreover, in any event it was contended that the 2<sup>nd</sup> Appellant's registration can no longer continue because the registered person is not in occupation of the premises.
  - d. There had also been a possible breach of information security at the Unity nursery where confidential personal details of children were left where they could be accessed by unauthorised persons.
  - e. In addition there had been an alleged arson attack at the premises of the Unity nursery.

### **Preliminary Applications**

#### **The Exclusion of Mr. Perera**

18. The Respondent renewed an application made before that Mr Perera be excluded entirely from the hearing or in the alternative only when the 1<sup>st</sup> Appellant was giving oral evidence about him. This was due to the evidence of the controlling and intimidatory nature of his relationship with her and the risk that this would be likely to prevent her from giving her evidence freely. We heard submissions from both Mr Reed and Mr Perera about this.
19. We concluded that there had been no material change in circumstance since the previous Tribunal considered exactly the same application. Moreover, we concluded that (pursuant to Rule 26) the interests of justice required us to grant the Respondent's application. We were persuaded that there was enough evidence in the witness statements so that the oral evidence of the Appellant was more likely to not be freely given if he were present. Mr Perera was therefore excluded from the hearing when the Appellant was giving evidence in relation to matters involving him. He was, however, present throughout the rest of the proceedings including when she was giving evidence in relation to other matters.

#### **Late Evidence**

20. The Tribunal was asked to admit additional evidence by the Appellants. This consisted of a supplementary witness statement from Mrs. Battersby and accompanying exhibits including various emails and evidence that she was

taking proceedings in the County Court in relation to her eviction from the premises of the Unity Nursery.

21. The panel 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 Hearing**

22. The panel took into account all the documentary and oral evidence that was presented. The panel first heard oral evidence from **Mrs Helen Blackburn**. She adopted the various witness statements that she had made during these proceedings. Her latest statement dated 7 October 2018 and her oral evidence can be summarised as follows: She produced various photos of the site where the Unity nursery used to be located that were taken during her inspection on 9 & 28 August 2018 to monitor compliance with the suspension order. She last visited the premises on 11 October 2018 and the position was the same. There was an eviction notice on a door and adults from an organisation dealing with dementia were using the single room at the site and all equipment relating to children had been removed. This new organisation had moved in on 2 August 2018 and had a year-long lease. She last visited the Parkgate nursery on 11 October 2018 and she saw that the children's equipment was piled up in the middle of a room.
23. During the inspection she was told by someone who worked at the site called Paul Markham that equipment and confidential files belonging to the Unity Nursery had been moved to an unsecure location. The witness took photos of the equipment and confidential files which included photos of children. There was also evidence that a fire had been deliberately started at the nursery and that Ms. Latif had known of this but had not informed her employer Mrs Battersby
24. She was asked about emails that were sent to Ofsted by Mrs Battersby which included details of her new mobile phone number and email address. In addition, Mrs Battersby had made an offer to attend another interview which Ofsted had accepted. New suggested dates had been sent to her.
25. The witness confirmed that as far as Ofsted was concerned nothing material had changed since the last Tribunal Hearing. Mrs. Battersby continued to be unable to identify the risks posed to children in her care and was unwilling or unable to manage such risk. In addition the Unitary Nursery could no longer operate at its original site as another organisation was now in possession of the premises.
26. During cross examination of all the witnesses called by Ofsted the panel assisted Mr. Perera in ensuring that his questions were relevant and proportionate. In response to his questions the witness said that in her opinion Mr. Perera still exerted influence and control over Mrs. Battersby. She agreed that there was some confusion as to whether he required a notice period prior to his resignation. She did not know whether Paul Markham was a manager or

a cleaner.

27. In response to questions from the panel, the witness confirmed that Mrs. Battersby had still not returned the completed Health Declaration booklet.
28. The next witness was **Ms. Tara Street** who adopted the various witness statements that she had made during these proceedings. Her latest statement dated 7 October 2018 and her oral evidence can be summarised as follows: She conducted the interview with Mrs. Battersby on 26 September 2018. She exhibited the typed notes of that interview and explained the procedure by which the interview was conducted and how it was recorded in note form.
29. The witnesses concluded that during the interview Mrs. Battersby was unable to evidence a robust knowledge and understanding of safeguarding and child protection. Examples were given including an overreliance on a written aide memoire that Mrs. Battersby brought with her and a failure to understand the training she had received. In addition there was concern about whether she had followed appropriate procedures with LADO concerning the suspension by her of a member of staff who may have posted a picture of a child on a Facebook profile. There were also concerns about her lack of insight into her own status as a victim of abuse and coercive behaviour from Mr. Perera and the risks of his being involved in the nurseries. The witness was also concerned about the vetting procedures at the nursery in particular in relation to DBS checks concerning Mr. Perera. There were still ongoing concerns about Mrs. Battersby health and her understanding of the GDPR.
30. In cross examination the witness reiterated the details of the interview and Mrs. Battersby's reliance on her notes and why her answers were inadequate to allay Ofsted's concerns. She also reiterated the concerns about Mrs. Battersby's attitude to Mr. Perera and her view that he was not a risk, just a bit loud. She also gave further details about the process that Mrs. Battersby should have adopted in relation to reporting to LADO but had failed to follow. She also said that training had been offered to Mrs. Battersby but she had failed to take up such offers.
31. In response to questions from the panel, the witness stated that in all the years she had been doing the job she had never come across an interviewee who used notes during an interview like Mrs Battersby. The witness also confirmed that as far as Ofsted was concerned, Mrs. Battersby continued to be unable to identify the risks posed to children in her care and was unwilling or unable to manage such risk.
32. The next witness was **Ms. Diane Plewinska** who adopted the various witness statements that she had made during these proceedings. In her latest statement dated 9 October 2018 and her oral evidence she reiterated that the suspensions were kept under constant review by Ofsted and that the continued suspensions were necessary and proportionate. Mrs. Battersby continued to be unable to identify the risks posed to children in her care and was unwilling or unable to manage such risk.

33. In cross examination the witness explained the process by which Ofsted dealt with emails it received and what information was required in order that they be forwarded to the relevant recipient. She reiterated the risks to children generally and the specific situation at the Unity Nursery where adults were now using the premises. She also explained about Ofsted's policy not to seek to impose conditions upon registration.
34. Next, **Mrs Battersby** gave evidence and adopted her various witness statements, including the last 2 dated 9 October 2018 & 22 October 2018. Her written and oral evidence can be summarised as follows. She said that she had brought the aide memoire to the interview with Ofsted because she sometimes got nervous when stressed. She thought that she had answered all the questions well and shown a good understanding of her responsibilities.
35. She said that she could not submit the Health Declaration booklet because she could not afford the £150 fee set by her GP for completing it for her. She was reliant on state benefits and money was short. She continued to rely on Mr. Perera for representation before the Tribunal because she could not afford legal counsel. In addition he was helping her in the Employment Tribunal where nursery staff were taking proceedings against her. Moreover, he was helping her in the County Court where she was taking proceedings in relation to her eviction from the premises of the Unity Nursery.
36. She was asked how she could afford the £250 filing fee at the County Court and not afford the £150 to submit her Health Declaration booklet. She explained that she had borrowed money for the County Court proceedings from her family and gave those proceedings priority over submitting the Health Declaration booklet to Ofsted.
37. She denied that she had any medical disorders that would affect her ability to be a registered person. She had never been diagnosed with any psychological disorders and had never taken anti-depressants. If only she had the £150 fee she would have submitted the Health Declaration booklet to Ofsted.
38. She disputed whether she in fact needed to report the Facebook incident to the LADO because the LSBC had informed her recently that the incident did not meet the required threshold of seriousness. She also reiterated that she was willing to have another interview with Ofsted and this time she would not bring her own aide memoire. She also explained that she had not been informed about the data breach or the fire at the Unity Nursery by her staff but she was not concerned by their failure to inform her.
39. She said that when she had applied for registration for the Unity Nursery in 2016 she had been interviewed and checked by Ofsted and they had found no reasons for concern then. She also explained why she felt it was unlawful that her lease at the Unity Nursery had been revoked. She was going to fight in court (with Mr. Perera's help) to get it back. She was optimistic that if the suspension was lifted she would be able to evict the adult dementia group and re-establish the Unity Nursery in the premises.

40. She also said that she did not think that Mr. Perera posed any risk to children. She said that the only difficulty with him was that he was sometimes “very, very loud” and was “not everyone’s cup of tea.”
41. During those parts of her evidence concerning Mr Perera he absented himself. When he returned the panel informed him of the details of the evidence that he had missed so that he could fully represent Mrs Battersby.
42. After Mrs Battersby’s evidence, Mr. Perera informed the panel that Ms Latif (whom he had planned to call to give evidence) was ill and had not attended the Tribunal. He had tried to contact her throughout the day with a view to her evidence being taken over the phone but without success. He did not know her whereabouts. He did not request an adjournment and the panel then heard submissions. The panel read Ms. Rafina Latif’s witness statement dated 10 October 2018 which merely recorded that she had accompanied Mrs Battersby to the Ofsted interview and confirmed the content of Mrs Battersby’s witness statement were “correct”.
43. During submissions, Mr. Reed adopted the contents of his skeleton argument dated 16 October 2018 and requested that the Tribunal uphold both suspensions against both Appellant’s. Mr. Perera’s submissions can be summarised as follows: He reminded the panel of the statutory test and stated that it had not been met. Risks to children had been eliminated by his own resignation from the nursery or alternatively could be managed by the imposition of conditions. Moreover, Mrs Battersby was mentally and physically fit enough to run a nursery and it was unfair to criticise her for using her aide memoire during the Ofsted interview. Continued suspension was not necessary or proportionate.

#### **Legal framework**

44. The statutory framework for the registration of childminders is provided under the Childcare Act 2006. Section 69 (1) of the Act provides for regulations to be made dealing with the suspension of a registered person’s registration. The section also provides that the regulations must include a right of appeal to the Tribunal.
45. When deciding whether to suspend a childminder, the test is set out in regulation 9 of the 2008 Regulations as follows: “that the Chief Inspector reasonably believes that the continued provision of childcare by the registered person to any child may expose such a child to a risk of harm.”
46. “Harm” is defined in regulation 13 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”.
47. The suspension shall be for an initial period of six weeks, which can be extended by a further period of six weeks where based on the same circumstances. Thereafter it can only be extended, under regulation 10 where it is not reasonably practical for the Chief Inspector, for reasons beyond her



control, to complete any investigation into the grounds for her belief under regulation 9, or, for any necessary steps to be taken to eliminate or reduce the risk of harm referred to in regulation 9. In those circumstances the suspension may be extended. Suspension may be lifted at any time if the circumstances described in regulation 9 cease to exist. This imposes an ongoing obligation upon the Respondent to monitor whether suspension is necessary.

48. The powers of the Tribunal are that it stands in the shoes of the Chief Inspector and so in relation to regulation 9 the question for the Tribunal is whether at the date of its decision it reasonably believes that the continued provision of child care by the registered person to any child may expose such a child to a risk of harm.
49. The burden of proof is on the Respondent. The standard of proof 'reasonable cause to believe' falls somewhere between the balance of probability test and 'reasonable cause to suspect'. 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 child might be at risk.
50. The Upper Tribunal (UT) laid down the following guide lines in the case of **Ofsted v GM & WM [2009] UKUT 89 (AAC)**:  
" - on an appeal the First-tier Tribunal stands in the shoes of [the Respondent]m and must consider whether grounds for suspension exist at the date of the hearing (paragraph 10)  
-[The relevant regulation] sets a low threshold – that there "may" be a "risk" – but the fact that the threshold has been passed does not necessarily mean that the power of suspension.....must be exercised (paragraph 22);  
-it is difficult to see on what grounds a suspension can be justified other than for the purpose of investigating a belief that there may be a risk or to allow time for a risk to be reduced or eliminated (paragraph 23);  
-a suspension imposed on the grounds that there is an outstanding investigation can be justified only as long as there is a reasonable prospect of the investigation showing that further steps to reduce or eliminate a risk might be necessary."

### **Conclusions**

51. For reasons given below the panel concludes that the Respondent has proved to the requisite standard that the threshold for suspending the registrations was met when the Respondent suspended the Appellants' registrations and that this threshold continues to be met now. The panel is satisfied that the continued provision of childcare by the Appellants to any child may expose such a child to a risk of harm. The panel found Ms Helen Blackburn, Ms. Tara Street and Ms Diane Plewinska to be honest, reliable and credible witnesses. The panel shares their serious concerns that the Appellant is unable or unwilling to adequately recognise risk to children in her care and safeguard them from harm.
52. The panel also concludes that Mrs Battersby was not a credible or reliable witness. She also lacked insight into the controlling and coercive behaviour of Mr. Perera. The panel is satisfied that there is credible evidence that in the past

Mr Perera has shown aggressive and controlling behaviour which places children at risk. It is not just his physical presence at the nursery that poses a risk but his continued sway over Mrs. Battersby. In those circumstances there remains a risk that Mrs Battersby will allow him to access the nurseries in the future. The panel concludes that any continuing involvement with the Appellant, therefore carries such a risk.

53. The panel is also satisfied that Mrs Battersby continues to show a lack of understanding about the risk that Mr. Perera still poses to children. At the last Tribunal hearing (according to the Tribunal decision) she accepted in relation to Mr Perera that “he could be a risk to children”. She also accepted that his behaviour on 19 February 2018, could expose children to the risk of harm. This included accepting that a risk was posed to children who were asleep. However, before us, Mrs Battersby changed her evidence and said that she did not think that Mr. Perera posed any risk to children. She said that the only difficulty with him was that he was sometimes “very, very loud” and was “not everyone’s cup of tea.” The panel concludes that this establishes that Mrs Battersby still has no understanding of the risk to children he poses and is unwilling or unable to eliminate or manage it.
54. Moreover there is no doubt that Mrs Battersby has still failed to submit a health declaration booklet as required by Ofsted. The panel is satisfied that there is a real concern about her health and whether she is in a fit state to safeguard children in her care. Moreover the fact that she has prioritised paying for proceedings in the County Court above paying her GP for the health declaration booklet required by Ofsted indicates that she has little understanding of her obligations as a registered person and her responsibility towards children.
55. Moreover the panel, after reading the interview notes and hearing the explanation of Mrs Battersby agrees with the analysis of Ms. Street that during the interview with Ofsted, Mrs. Battersby was unable to evidence a robust knowledge and understanding of safeguarding and child protection. In addition the panel is satisfied that there is evidence which gives rise to substantial concerns about the recruitment and vetting procedures at the nurseries, as well as a lack of communication between staff and Mrs. Battersby about such matters as data protection and the reporting of the fire at the Unity Nursery. All of these matters may also expose children in the care of the Appellants to a risk of harm.
56. Moreover, there is no dispute that in relation to the Unity nursery, the premises are now being used by another organisation providing services for adults with dementia. Whatever the legal position being litigated in the County Court, the facts now are that there is a risk that children under the care of the 2<sup>nd</sup> Appellant at the Unity Nursery would come into contact with persons whose suitability have not been assessed. In any event the 2<sup>nd</sup> Appellant is not in occupation of the premises and cannot provide child care services there.
57. In light of all the aforesaid finding therefore, the panel is satisfied that it is reasonable to believe that the continued provision of childcare by the Appellants to any child may expose such a child to a risk of harm. Moreover, for reasons

given below the panel is satisfied that the suspensions should be further extended because it is not reasonably practical for the Respondent, for reasons beyond its control, to take the necessary steps to eliminate or reduce the risk of harm referred to above.

58. Ofsted's investigations have now been concluded and on the 3 May 2018 a Notice of Intention to Cancel the Appellants' registrations was issued. Following representations Ofsted issued a Notice of Decision to Cancel the registrations on the 21 August 2018. Appeals have been lodged against the decisions which will be heard in due course according to a timetable which is beyond the control of the Respondent.
59. The panel is satisfied that there is reasonable cause to believe that the continued suspensions remain necessary in order to allow time for the necessary steps to be taken to reduce or eliminate the aforementioned risk of harm. The panel is satisfied that at this stage there is reasonable cause to believe that cancellation of the Appellants' registrations is the only way to eliminate harm to minded children. The timetable governing the appeal process is outside the control of the Respondent and the panel is satisfied that continued suspensions are necessary to protect children and are required to extend beyond the 12 week period.
60. In coming to this decision the panel has balanced a range of factors including the fact that child minding constitutes the Appellant's livelihood, that parents who use her services may depend on it to allow them to work and that she has had a positive record in the past, but nonetheless the panel concludes that continued suspensions are proportionate and necessary.

### **Decision**

The appeals against the interim suspensions are dismissed.  
The suspensions in relation to both Appellants continue.

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

**Date Issued: 25 October 2018**