

## Ill-treatment or wilful neglect

### s.44 Mental Capacity Act 2005

#### s.44 Ill-treatment or neglect

(1) Subsection (2) applies if a person (D) -

- (a) has the care of a person (P) who lacks, or whom D reasonably believes to lack, capacity,
- (b) is the donee of a lasting power of attorney, or an enduring power of attorney (within the meaning of Schedule 4), created by P, or
- (c) is a deputy appointed by the court for P.

(2) D is guilty of an offence if he ill-treats or wilfully neglects P.

(3) A person guilty of an offence under this section is liable -

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

#### **Hospital carer in court over violence charge, Chronicle Live, 24th December 2010**

A carer will stand trial accused of being violent towards vulnerable dementia sufferers at a mental health unit. Denis Makurah, 56, was arrested after allegedly badly treating and neglecting three elderly patients at Palmer Community Hospital in Jarrow, South Tyneside. Prosecutors claim he became violent and ill-treated the dementia sufferers while he was working at the Wear Street hospital last year. Makurah, of Links Green, Gosforth, was suspended by health chiefs as soon as the allegations came to light and the hospital said it has fully co-operated with the police investigation. He is charged with three offences of wilfully neglecting a patient without capacity between September 19 and September 24, a second patient between October 8 and October 11, and a third between November 29 and December 3. Wearing a grey suit, white shirt and tie, Makurah spoke only to confirm his name and address when he appeared at South Tyneside Magistrates' Court yesterday. His solicitor, Emma Ferguson, made no representations and no pleas were entered.

Lee Poppett, prosecuting, said the allegations were too serious to be heard in front of magistrates and should instead be passed to Newcastle Crown Court for trial before a jury. Mr Poppett said: "Due to the seriousness of the allegations, this is a case that is only suitable to be heard at Newcastle Crown Court and I invite magistrates to commit the case to that court." Makurah was granted bail on the condition he lives at his home address and does not contact prosecution witnesses. He will appear at Newcastle Crown Court on January 20.

The hospital is controlled by South Tyneside NHS Foundation Trust, which cares for mentally-ill patients in the borough. Makurah was employed by the Northumberland, Tyne and Wear NHS Foundation Trust, one of the largest mental health and disability trusts in England. It has two wards based at the Jarrow hospital. A trust spokesman said: "As soon as the situation came to light we immediately suspended the member of staff concerned and referred the matter to Northumbria Police. "The safety and wellbeing of our patients are always our primary concerns and the trust co-operated fully with the police investigation. We also reported the incident to the Nursing and Midwifery Council."

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#### **Three charged with neglect of care home residents, Get Surrey, 22nd December 2010**

Three people have been accused of wilful neglect and ill-treatment of residents at Rose Hill Nursing Home in Dorking. The charges against Tarlochan Chahal, 63, and Jasbir Chahal, 58, both of The Park, Bookham, and Kalsum Noh, 60, of Boxhill Road, Tadworth, relate to allegations made at the privately-run care establishment. Detective Sergeant Abigail Edey said: "Throughout this extensive investigation Surrey Police has worked closely with a number of partners both locally and nationally."

The trio were charged under Section 44 of the Mental Capacity Act and will appear at Redhill Magistrates' Court on Friday, January 7. Rose Hill Nursing Home is just a short walk from Dorking town centre and is one of the oldest healthcare establishments in the area.

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### **Jail for care trio who filmed their abuse of elderly at Thornbury nursing home, Bradford Telegraph & Argus, 15th December 2010**

Three care workers have been jailed after filming the “inhuman and degrading” abuse of two old people at a Bradford nursing home. Harrowing mobile phone footage of an 86-year-old man being bullied, baited and taunted and a 99-year-old woman sprawled, legs apart, on the floor pleading for help were played to a packed courtroom. Jolene Hullah, Tanzeela Safdar, and Paul Poole – the three care workers who should have been looking after them – watched from the dock at Bradford Crown Court yesterday. Hullah, 21, looked down in shame, Safdar, 23, rocked back and forth in distress, while their boss, Paul Poole, 26, – later to collapse in the dock – covered his eyes. All three pleaded guilty to two offences of ill-treatment of a person who lacks capacity while working at The Dales nursing home in Woodhall Road, Thornbury. Safdar, of Cumberland Road, Lidget Green, Bradford – branded the most culpable by the judge – was jailed for 21 months. Hullah, of Langdale Road, Ravenscliffe, Bradford, was locked up for 18 months and Poole, of Upper Rushton Road, Bradford Moor, for 12 months.

The judge, Recorder Richard Mansell QC, told the three they had committed “despicable acts of abuse” for their own amusement and gratification. He said: “Everyone who is in court cannot fail to be appalled by your sick conduct.” Safdar admitted ill-treating Edith Askham on December 12, 2008. Hullah and Poole admitted ill-treating Kenneth Costigan on February 19 last year. All three pleaded guilty to ill-treating Mr Costigan three days later, on February 22. Prosecutor Jonathan Sharp said the women were care assistants at the BUPA home and Poole a senior care assistant. “This case deals with ill-treatment of elderly and defenceless people by their carers,” he told the court.

Film played in court showed Mr Costigan in an armchair in his room being taunted and provoked by all three defendants. As he reaches out, Hullah pushes the filming phone into his face while Poole mocks him. Safdar pushes her hands into his mouth and tries to grab his nose. Mr Sharp said the expression on Mr Costigan’s face is “one of stark terror.” He flails his arms and Hullah strikes out at him after he is goaded into biting Safdar. Mr Costigan cowers in his chair as something is thrown at him. Later that day, a partially-dressed Mr Costigan is again targeted by the three. He pleads with them to stop and puts his head in his hands in despair. Mr Sharp said Safdar’s phone was used to film Edith Askham, who has since died. She suffered from advanced dementia and was unable to stand without assistance. She is seen sitting on the floor in her nightdress, clearly distressed, saying: “Help me” and “I am frightened”. Safdar and another woman, believed now to be in Pakistan, laugh at her helplessness and the phone is thrust into her face.

The three were arrested after Hullah’s cousin, Phillip, saw the film on her phone and was so shocked he told care home managers. All three were sacked after disciplinary hearings. Their sentences mean they can never work with young children or old people again. The judge stressed that “BUPA was in no way at fault” and the home “in no way accountable” for the offences. Poole, who fainted as Safdar was sentenced, sobbed on the floor as dock officers assisted him. Hullah’s barrister, Jayne Beckett, said she was a young woman with mental health problems and truly regretted her behaviour. Elyas Patel, for Safdar said: “It is an understatement to say that she presents as a broken, ashamed and petrified young woman.” Peter Moulson, for Poole, said he was a key worker at the home who loved his job. His “delicate and sensitive disposition” did not make him the right person to be in charge of the women. After the case, Detective Inspector Ian Bryar, of Bradford South CID, said: “Hullah, Poole and Safdar were people entrusted in caring for some of the most vulnerable members of society but, instead, subjected them to torment and humiliation. “They caused considerable distress to these elderly patients through what can only be described as systematic abuse.”

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**Care home worker accused of neglect, Hartlepool Mail, 13th December 2010**

A care home worker has appeared before magistrates accused of mistreating nine mentally-ill residents. Vikki Unsworth, 38, is charged with nine counts of wilfully neglecting or ill-treating patients at the Ridgeway House Care Home, in Station Town near Wingate. Unsworth, of Cummings Square, Wingate, is said to have committed the alleged offences in a period between April 1, 2007, and January 1, 2009. She did not enter a plea when she appeared at Peterlee Magistrates' Court. Magistrates declined jurisdiction and granted Unsworth unconditional bail until she returns to the court on February 2, when proceedings will be transferred to Durham Crown Court.

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**Nurse denies willful neglect allegation, This is South Wales, 10th December 2010**

A nurse has appeared in court accused of wilfully neglecting an elderly man at a Swansea care home. Mary Sereko allegedly failed in her duty to give pain relief medication to 84-year-old William Elfed Davies when she was looking after him at Lllys y Tywysog Care Home in Clos Pengelli, Grovesend. Sereko, 46, of Gower View Road, Gorseinon, is accused of wilfully neglecting Mr Davies, who subsequently died, between December 13 2009 and January 1 this year. Legal issues in the case were discussed yesterday after she pleaded not guilty at Swansea Crown Court. Conditional bail was renewed and the case listed for trial on March 21. The judge was told the defence planned to apply for a bail variation so Sereko could have a 14-day holiday with relatives in South Africa.

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**Care home workers terrified dementia patients with horror handpuppets 'for fun', Daily Mail, 3rd December 2010**

Two care home nurses are facing jail for using a glove puppet to bully elderly women as a joke. Helen Males, 32, and Eleni Saunders, 20, were paid to look after the frail grandmothers - but instead the pair 'scared them for just for the fun of it'. Males and Saunders laughed while using a green goblin puppet to terrify women patients aged 87 and 91 in the home for the elderly.

Prosecutor Leighton Hughes said the pair made 'growling noises' with the puppet to terrorise one vulnerable victim. Mr Hughes said: 'Males pulled a glove puppet from behind her back and thrust it towards the woman, making a growling sound. Saunders, her partner in crime, held the woman's hands in her lap at one point so she couldn't fight back. She was so scared she slid down in her chair to try and get away and they laughed.' Both were convicted of two charges under the Mental Capacity Act 2005 while working at The Old Rectory care home in Wenvoe, near Cardiff. Mr Hughes told the jury: 'An assistant will tell you how Males said to her one day: 'Come and see this' before producing a puppet. 'She laughed. Sadly the defendants found it amusing.' They were arrested after other staff complained of their behaviour. Mr Hughes said: 'The home specialised in the care of elderly people invariably suffering dementia or Alzheimer's. These two were employed there and ill-treated three ladies in their care. The ladies were vulnerable with little understanding and we say were known by these defendants to lack mental capacity and so were easy targets. They bullied, victimised, belittled and scared them, just for the fun of it. 'Males was egged on by Saunders. The residents were easy targets for bullying and victimisation. 'The two also found it amusing to flick the ears of the elderly ladies.' Males, of Barry, South Wales, and Saunders, of Wenvoe, Vale of Glamorgan, both denied three charges of breaching the Mental Capacity Act. They were cleared of one and convicted of two.

Judge Philip Richards banned the pair from working with vulnerable people. He adjourned sentencing until next month to allow them 'to spend Christmas with their families'. One of the victims Eva Bramhall, 87, has since died and the other two were not called to give evidence. After the verdict, her daughter-in-law Carol Bramhall said: 'I'm shocked about what happened. I'm just so upset to think that could have happened to her. The home told us shortly before my mother died that that had been an incident - but they dismissed it as a prank.'

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**Cwm father cleared of ill-treatment, South Wales Argus, 25th November 2010**

A Gwent man was cleared yesterday of ill-treating his learning-disabled daughter who he has cared for on his own for nearly 20 years. The jury at Newport Crown Court took just over ten minutes to

return a verdict of not guilty on the case of Gerald Phillips, 53, of Cendl Terrace, Cwm, who was charged with ill-treating a person lacking capacity. Giving evidence, Mr Phillips, described his daughter Joanne as the only thing in his life he “truly loved” and denied using “extreme force” to remove her from the back of a support worker's car on October 26 last year. He told the court he would “never” lose his temper with Joanne, who was being returned to her home following a respite weekend at Augusta House, Ebbw Vale. He said: “I was looking forward to seeing her, I hadn't seen her for two days.”

His friend, Phillip Monk, described Joanne as “loving and cherished” and told the court you could not get a better father-figure than Mr Phillips. Closing the case, judge Rhys Rowlands told the court it was quite clear Mr Phillips was a devoted father, caring for Joanne since his wife left the family home when she was a youngster. Judge Rowlands added: “He leaves this court without a stain on his character and I regret this has been hanging over him for just over a year.”

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### **Wrongly accused carer's 'living hell', Cambridge News, 24th November 2010**

A carer has told how she suffered “16 months of living hell” after she was wrongly accused of abusing an RAF veteran. Judge Neil McKittrick dismissed the case against Carole Mills, of Cambridge Road, Milton, and also Wayne Blake, of Turpyn Court, Cambridge, instructing the jury to find them not guilty last week. The move came just days into what was meant to be a trial lasting more than a week at Peterborough Crown Court involving the two carers who had worked at Etheldred House care home in Clay Street, Histon. Miss Mills, 56, was charged with one count of ill-treatment under the Mental Capacity Act 2005. She was alleged to have restrained 90-year-old dementia patient Albert Newitt in an aggressive manner on January 27, 2009. She was then jointly charged with Mr Blake with another count of ill-treatment in which they allegedly punished Mr Newitt with Chinese burns after he refused to eat his dinner. The pair denied all charges.

In an exclusive interview with the News, Miss Mills, who is divorced, and has three daughters, said: “These last 16 months have been a living hell not only for myself but for my loyal family who have been by my side every step of the way. “Without them I don't know what I would have done.” Miss Mills said during one of the alleged incidents she had not even been in the room with Mr Newitt, adding: “I just don't know where it came from.” She said when she arrived at work on January 29 she was told staff had reported alleged abuse against Mr Newitt. Miss Mills said she heard nothing more until June, when she was arrested. By July she had been suspended from her job. She said: “It was a total nightmare. It's constantly there. You go to sleep thinking about it and you wake up thinking about it. It's an awful, awful feeling. I can't describe it. Having to go to court and being put in that enclosed box with a guard is something no-one can imagine unless you have been through it. The worst thing was at Crown court for the trial, having the jury sworn in and being looked at as if you are a piece of dirt. When the judge said on Thursday he was stopping the trial, I just collapsed in floods of tears and still cry very easily today. I felt physically and mentally drained.”

Miss Mills, who has been a carer since 2000, and previously worked at a school and playgroup, said she loves her job, but added: “I always specialised in dementia but now I don't want to because this can happen so easily. I don't want to make myself vulnerable again. “As a carer you are very, very vulnerable in your actions and words and they can be misinterpreted quite easily.” She thanked all those who supported her through her ordeal, including the manager at her previous care home, her barrister Sally Hobson and solicitor Guy Holland, her doctor, her family, friends and neighbours. Miss Mills said: “Nobody believed it. Not one single person who knew me believed it because they know what type of person I am.” Miss Mills, who is no longer employed by Excelcare, which runs Etheldred House care home, said she has a new job working as a carer with elderly patients who are frail, though she is currently on sick leave.

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### **R v. Dunn [2010] All ER (D) 250 (Nov), 23rd November 2010**

In R v. Dunn, the Court of Appeal, Criminal Division, in an appeal against conviction of ill-treating a person who lacked capacity, contrary to s.44 of the Mental Capacity Act 2005, where the defendant was accused of abusing elderly residents at a care home, held that the Judge's directions on the

meaning of "a person without capacity" had been adequate and the omission to incorporate or refer to the specific decision test of capacity in respect of each victim, pursuant to s.3 of the Act, did not render the conviction unsafe.

[http://www.davesheppard.co.uk/access/pdf\\_files/Dunn.pdf](http://www.davesheppard.co.uk/access/pdf_files/Dunn.pdf)

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### **Carers face neglect charges, Wigan Today, 3rd November 2010**

Two carers at a Wigan nursing home have, between them, been charged with 18 counts of ill-treatment or wilful neglect of elderly residents. Sam Rigby and Lynne Parkinson were employed at Alexandra Grange Nursing Home, Wigan, where the alleged neglect is said to have taken place. Both pleaded not guilty to all charges when they appeared before Wigan Magistrates' Court. Rigby, 25, of Dovedale Crescent, Ashton, is charged with seven counts of ill-treatment or the wilful neglect of seven different residents, six between January and July this year and one between April and November last year. Lynne Parkinson, 54, of Belle Green Lane, Ince, is charged with 11 counts of wilful neglect or ill-treatment, between September last year and July this year, although the alleged incidents are not thought to be linked. The women were both given conditional bail and are due to appear at Liverpool Crown Court on December 21.

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### **Care staff who filmed abuse of residents now face jail, Yorkshire Post, 23rd October 2010**

Three care workers who filmed themselves bullying and taunting a woman aged 99 and a man aged 86 have been told by a judge that they face jail sentences. Jolene Hullah, 21, Tanzeela Safdaz, 23, and Paul Poole, 26 pleaded guilty to "ill treating persons who lack capacity" at Bradford Crown Court yesterday. The two victims were Edith Askham, who has since died at the age of 100, and Kenneth Costigan, both residents of the Dales Bupa Nursing Home in Woodhall Road, Thornbury, Bradford. It is understood both victims were dementia sufferers.

The Yorkshire Post understands that Hullah's cousin discovered the mobile phone footage and was so outraged she went straight to the police. Following an investigation the trio attended a disciplinary hearing and were sacked. Prosecuting, Jonathan Sharp said of the offences: "This is a case in which all three defendants filmed abuse of elderly residents in their care. I don't propose to play the footage in court." He said instead he would invite the judge to "view it in his chambers". Ilyas Patel, representing Safdaz, said: "The footage is particularly disturbing and this is undoubtedly a case where it needs to be handled with a great deal of sensitivity."

Recorder David Hatton QC told them: "I am not able to sentence any of you today. Pre-sentence reports need to be made and so I shall adjourn sentence until December 13. On any view this is an appalling case and you can expect sentences of imprisonment." Safdaz of Cumberland Road, Bradford, pleaded guilty to a charge of ill-treating Mrs Askham on December 12, 2008. Her co-defendants, Poole, of Upper Rushton Road, Bradford Moor, and Hullah, of Langdale Road, Ravenscliffe, Bradford, pleaded guilty to a second charge of ill-treating Mr Costigan on February 19, 2009 – a charge to which Safdaz pleaded not guilty and which was accepted by the Crown. A third charge of ill-treating Mr Costigan, the most serious of the offences, occurred on February 22, 2009 and all three defendants pleaded guilty to it. All three defendants were granted unconditional bail.

Afterwards, reviewing lawyer Clare Tripcony, from CPS West Yorkshire said: "The Crown Prosecution Service takes the criminal mistreatment of older people very seriously. Targeting someone because they are older and vulnerable, especially when the perpetrator is in a position of trust, makes the offence even more grave. This case involves the appalling ill-treatment of two elderly and vulnerable care home residents. During the course of their ill treatment, the residents had their dignity further undermined when the three defendants, Safdar, Hullah and Poole, filmed their actions on their mobile phones and saved the footage. This callous disregard for the vulnerability and dignity of these two elderly people is truly shocking.

Bupa regional director Tracey Fletcher said: "The welfare of our residents is always our first priority and after this incident in 2009 we apologised to the residents concerned and their families.

Immediately we discovered these people's actions, they were suspended and later dismissed. We informed the local adult support and protection teams and the police, and have actively supported their prosecution. We remain determined to ensure that the residents in our care are protected."

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#### **Upminster care home worker faces charges of neglect, Romford Recorder, 9th October 2010**

A care home worker is due to stand trial accused of neglecting residents who lacked capacity in her care. Fifiore-Sumbu Kamwaka, 33, appeared at Basildon Crown Court on Friday charged with 10 counts of ill-treatment or wilful neglect towards six residents at Derham House, in Harwood Hall Lane, Upminster, who lacked capacity or whom she reasonably believed to lack capacity, between November 2009 and January 2010. Kamwaka is currently suspended from work on full pay. She is accused of ill-treating or neglecting Gladys Barlow and Mavis Lowe between November 1 and December 24. And allegedly ill-treated Kathleen Hartog, Frank Leonard, Marjorie Dannat, Stanislaw Borowski and Mavis Lowe between January 1 to 31. Kamwaka is also charged with three separate incidents of neglect towards Gladys Barlow on January 14 and Kathleen Hartog on January 21 and 22.

Kamwaka, who spoke only to confirm her name and deny the charges, will appear back at the same court for trial on Monday January 17 next year and remains on unconditional bail until then. Miss Recorder Mary Stacey said: "You must attend and come back here then and co-operate and assist your solicitors in the preparation of your defence. The fact you are on unconditional bail doesn't mean you don't have to turn up." Mark Seymour prosecuting estimated the trial would last four days during which time the court will hear evidence from other care workers at the home. The residents will not be giving evidence.

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#### **Care worker accused of slapping 90-year-old patient at Coventry University Hospital, Coventry Telegraph, 22nd September 2010**

A hospital care worker has been accused of slapping a 90-year-old dementia patient in Coventry. Lynne Wrigley, of Shirley Road, Walsgrave, was changing bed sheets when she was alleged to have slapped the woman at Coventry's University Hospital on June 6. The 50-year-old, who is employed by the hospital, was responsible for looking after mental health patients. She has been charged with common assault and ill treatment or willful neglect of a victim who lacks mental capacity under the Mental Capacity Act. Wrigley denied the charges at Coventry Magistrates Court yesterday.

Katie Simpson, prosecuting, said the 90-year-old had kicked the defendant in the stomach while she was changing her bedding and then alleged Wrigley retaliated by slapping the patient on the leg. Ms Simpson said: "The defendant is employed as a support worker at University Hospital. As part of her employment there she delivers care for patients. She was on duty at the time of the offence together with colleagues and trainee nurses to change the patients' bedding." Wrigley is then accused of slapping the patient on the leg. Wrigley has been granted unconditional bail and is due to stand trial at Coventry Magistrates Court on November 16.

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#### **Kerry Murphy jailed for abusing dementia sufferers in Runcorn, Runcorn and Widnes Weekly News, 16th September 2010**

A care worker who punched, slapped and verbally abused residents suffering from dementia at a Runcorn care home has been jailed. Kerry Murphy, 27, who worked at St Luke's Care Home on Palacefields Avenue, was found guilty in August of six charges of ill-treatment and neglect, all involving vulnerable residents aged from 70-93. At Liverpool Crown Court last Thursday, Judge David Boulton handed Murphy, of Westwood, Windmill Hill, an 18-month prison sentence. He said: "All of the complainants in this case are people – not objects, but people. Several of them were old enough to have served in the second world war. They were entitled in their old age and infirmity to be treated with dignity and not to be abused." He added: "Abuse of the elderly has become a serious problem in this country in recent years. "Care workers watched in disbelief over a period of 18 months or so as you systematically abused at least six elderly people in a dreadful fashion."

Judge Boulton praised the 'great courage' of the other care workers who had given evidence against Murphy. The judge also told how a probation report on Murphy was 'deeply depressing' because it spoke of her complete lack of remorse. He quoted how an experienced probation officer had reported: "She clearly fails to understand other people's feelings and has demonstrated no remorse for the victims. Indeed, she has shown no insight into her actions in terms of recognising how her own attitudes, beliefs and emotions are linked to her offending behaviour and is not motivated to address them." Phil Edgington of Community Integrated Care (CIC) – which runs the home – said an internal investigation was under way.

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### **Monmouthshire nurse sentenced for 'sloppy' treatment, BBC News, 16th August 2010**

An ex-care home nurse who ill-treated two elderly patients has been sentenced to 50 hours' unpaid work. Howard Griffiths, of Ebbw Vale, "shoved" and "pushed" a man, 85, and pulled a woman, 81, by her ankles, Newport Crown Court heard. Griffiths, 53, who was a night manager at the Rozelle home, Abergavenny, was cleared of eight offences but convicted of two and told he had been "sloppy". The judge accepted he meant no harm but called his actions "disturbing". The court heard that Griffiths - a qualified psychiatric nurse for more than 30 years - frequently heaved the man, who suffered from senile dementia, out of his wheelchair while standing on his feet. The jury was also told he pulled the woman, who also had dementia, out of her bed by her ankles until she was sitting on the edge of the mattress, rather than lowering the cot sides of the bed.

Care assistant Dawn Paull, had previously told the trial: "He would stand on Derek Gregory's toes and pull him up by his shirt and push him down on to the bed. When I was doing it there were two members of staff. We would never move him on our own, or we used a hoist." She added she was "shocked" at the way the resident was being treated and said when Griffiths was transferring Mr Gregory from a chair to his wheelchair he would "shove" him into the seat.

Patrick Harrington QC, defending, said Griffiths' method of lifting Mr Gregory was "old-school nursing". He said Griffiths hoped to return to nursing. "It was a vocation in his life," said Mr Harrington. "It was not just a job, it was not just a career, it was something he had thoroughly enjoyed doing." Griffiths was sentenced to 50 hours' unpaid work for each offence of wilfully ill-treating or neglecting a person who lacked mental capacity, to run concurrently. Judge David Morris said that while the offences were "disturbing", he was satisfied Griffiths meant no harm. "The offences were borne out of frustration and anxiety to get on with the job," he said. "I am also satisfied you knew you should not have acted in that manner with these patients. You allowed your standards to slip and indulged in sloppy nursing."

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### **Southampton Briars care home bosses sentenced, BBC News, 6th August 2010**

A care home owner has avoided jail after she was convicted of ill-treating and neglecting residents. Annette Hopkins, 65, who owned Briars Retirement Home, Southampton, was ordered to pay a total of £52,000 and given a 30-week suspended prison sentence. Care home manager Margaret Priest, 56, was ordered to carry out 200 hours community service after also being found guilty of wilful neglect. Southampton Crown Court heard they were both "unqualified" to do their job.

The court heard how residents, who were aged between 77 to 96, were left in soiled sheets for lengthy periods and had suffered painful bed sores. The home was closed down in September last year. Judge Derwin Hope said both were unqualified to do their job and they had not kept up with legislation to protect vulnerable people. But he decided not to jail them because they were "obviously caring people" based on the references from their supporters.

Hopkins, of Thorold Road, Bitterne, who had her jail term suspended for 18 months, was fined £3,000 for each of the nine counts against her, totalling £27,000. She was also ordered to pay £25,000 costs and carry out 200 hours community service. Priest, of Lydgate Green, Hightown, who was convicted of four charges, will not have to pay anything. An 18-month investigation into the home was triggered by staff at Southampton General Hospital after one of the residents was admitted last year. A

spokesperson for independent health and social care the Care Quality Commission said: "We hope the relatives of those previously living at The Briars are reassured that Mrs Hopkins and Mrs Priest have been held to account."

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### **Terror of the elderly residents, Scarborough Evening News, 29th July 2010**

A woman employed to care for vulnerable elderly people subjected them to terror, a court heard yesterday. Tina Gillespie, 31, slapped a wheelchair-bound woman aged 84 across the face with the back of her hand and shouted at and pushed other residents of the Elsinor residential home in Scarborough. She also pushed an elderly man with such force that his head struck a wall and she shoved a woman aged 87 so hard out of a room that the pensioner's legs buckled under her.

Gillespie was employed at the care home in Esplanade Gardens to help look after the needs of its fee-paying residents – but York Crown Court heard that she robbed dementia sufferers of their dignity by physically abusing them over a period of six months. She was today starting a jail sentence of nine months. The home declined to comment.

Judge Patrick Robertshaw, sitting at York Crown Court, said that above all the residents, who were suffering from a "cruel condition" and at the end of their lives were "human beings above all" and entitled to care, dignity, and respect. However, at the hands of Gillespie, of Windsor Terrace, Whitby, her victims were left bewildered, confused and injured. Judge Robertshaw told her: "You were a professional paid to exercise skill, competence and above all compassion. These are vulnerable individuals each coming to the close of their lives. In the bewilderment and confusion of their last days they were human beings above all else. Clearly you were wholly unsuited to the work you were being paid to do." He added her actions "robbed them of their dignity" and that the manner in which she conducted herself "towards human beings no less vulnerable than young children" was revolting.

Matthew Bean, prosecuting, told how over a six-month period other members of staff at the home witnessed Gillespie shouting at, pushing and injuring residents. Gillespie, who admitted one charge of common assault and three of ill-treating a person lacking capacity, was first seen on February 26 last year, slapping an 84-year-old woman wheelchair-bound woman across the face with the back of her hand because a door she pushed open in order to enter a room banged against a table. The victim had her glasses knocked off in the attack and was left with reddening to her nose and face. Three months later an 87-year-old woman fell victim to Gillespie's temper, being shouted at, grabbed and pushed out of a room with such force her legs were buckling under her. Mr Bean added that another elderly resident was "barricaded" into a corner by a table pushed against him by Gillespie in August last year and then pushed back into a chair with such force his head struck the wall behind him.

The final victim, said Mr Bean, was a resident who on August 27 last year, was seen holding his chest and shouting: "Get off me", with Gillespie kneeling against him. As another member of staff led the man away, Gillespie was poking him in the back apparently trying to making him walk faster. He was later found to have a one inch long injury to his chest, apparently caused by a fingernail. When first interviewed, Gillespie, who has not previous convictions, denied any wrongdoing.

Adam Birkby, mitigating, said that there had not been any intention to bully the residents, but her behaviour had been due to a series of impulsive overreactions to working in a stressful working environment. He added that Gillespie, who had since become reliant of diazepam, now realised that she was not cut out for that type of work and had no intentions of ever returning to it. Passing sentence, Judge Robertshaw said a deterrent sentence was needed. He added this was not least to assure family carers having to look after dementia suffers 24/7, and contemplating the difficult and emotional decision of sending their loved ones into care, could be assured that the courts were there to protect. The Elsinore said it would make a comment but did not do so in time for publication.

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### **Care home 'neglect' arrest, Shields Gazette, 24th July 2010**

A man has been arrested over allegations of "ill-treatment or neglect" at a South Tyneside care home. A female manager at Hillcrest Care Home, in Wear Street, Jarrow, has also been suspended



following a police investigation. Council and health officials have also stepped up monitoring procedures at the privately-owned home and demanded improvements. The news comes just days after the Gazette revealed that two staff have been arrested following the death of a pensioner at St Michael's View care home in South Shields, where inquiries continue into 15 other deaths dating back to January 2009. Families were called to a private meeting at Hillcrest last week, where they were briefed on the situation at the home, which cares for almost 50 elderly residents, including about 25 with varying degrees of dementia.

A spokesman for Northumbria Police said: "A 34-year-old man has been arrested on suspicion of 'ill-treatment or neglect' under the Mental Capacity Act 2005. Enquiries are ongoing." Owned by the Executive Care Group Ltd, Hillcrest is a purpose-built, two-storey building, with accommodation for 49 residents. The complex includes a memory care unit, which specialises in dementia care. A place at the home costs between £395 and £541 per week. First registered as a care home in August 2001, Hillcrest was rated as "good" following an inspection by the Care Quality Commission (CQC) last October.

A spokesman for the home said: "We are briefing relatives in an open and transparent manner to make them aware of why we have replaced the home's manager. Concerns have been raised about various issues and we have taken assertive and proactive action. The wellbeing of our residents is of paramount importance and we have full confidence in the new management team to take the home forward and deliver excellent care." A South Tyneside Council spokesman said: "We are working in partnership with South Tyneside Primary Care Trust, as well as the owners of Hillcrest Care Home, Jarrow, in response to safeguarding issues at the privately-run home. This involves increased monitoring visits and these will continue until we are satisfied that there has been an improvement in the quality of care."

A spokesman for the Care Quality Commission said: "At the end of June this year, we were made aware, by the Local Authority and the PCT, that they had received a high number of safeguarding notifications in respect of Hillcrest Care Home. The local authority had suspended admissions to the home. During the visits on July 7 and 9, serious concerns were identified in relation to medications arrangements, care delivery, care planning and record keeping. "A management review meeting was held on July 14 where it was agreed that two statutory requirement notices would be issued relating to medication and further inspections would be undertaken on July 20 and 21. "The issues related to care delivery, care planning and record keeping. CQC has very serious concerns and believes that service users are being exposed to unnecessary risks. We will, as a matter of urgency, be monitoring the situation at the home and will be considering whether further enforcement action will be required."

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### **Nuneaton care home abuse charges dropped, Coventry Telegraph, 16th July 2010**

Two grandmothers, accused of ill-treating a disabled resident at a Nuneaton care home, have had the charges dropped— after a year-long "nightmare". Jackie Woodward and Pauline Cashmore were alleged to have caused suffering to a 59-year-old man, who had been hurt in a fall while living at Wembrook Care Home in Attleborough. The two support workers were arrested and charged under the Mental Capacity Act and twice appeared in magistrates court, while papers were being prepared for a possible committal to Crown Court. But they have now been told they have been cleared, following "additional evidence relating to the case" which had been reviewed by a senior member of Warwickshire Crown Prosecution Service.

"It's obviously a massive relief, although I feel quite angry that the matter was ever taken seriously," said Mrs Woodward, aged 57, of Sheridan Drive, Galley Common. She said if the Social Services and the police had investigated properly in the first place, they would have realised the allegation was untrue. Mrs Cashmore, aged 51, of Pine Tree Road, Bedworth, said: "The whole thing has made me really ill. It's a wonder I did not go under. Since it appeared in the paper, I have had threats made against me and fingers pointed at me in the street. It has been an absolute nightmare."

The allegations centered around an injury to one of the residents, who has mental health problems. He suffered a fall in 2008 and was taken to hospital by Mrs Cashmore. After examination he was allowed home. The following day, he was being helped into a bathroom by Mrs Cashmore, Mrs

Woodward and two other members of staff when he complained of being in pain. After again being taken to hospital, an x-ray showed he had a broken hip, which needed an operation. "It was not until June of last year that I was made aware of allegations against me, relating to the incident," said Mrs Cashmore. "Since then, the whole thing has been hanging over my head. I knew I had done nothing wrong – I love the job and would never do anything to harm the people in my care." Mrs Woodward said: "This all came about because of a witchhunt, after certain issues involving former members of staff. We were made to suffer. We were innocent but were made to feel like criminals. It has been distressing to say the least."

A joint investigation was carried out by Warwickshire Social Services and the police, which led to the women being interviewed at Nuneaton police station in March when they were formally charged and bailed to appear at court. After an initial adjournment, they reappeared in court last month, when Mrs Woodward's solicitor, Brian Sheridan, criticised the CPS for delays in producing necessary paperwork. He told magistrates: "The allegations are utterly denied. The evidence is flimsy, at best. My client is a lady without a blemish who is being put through hell." A statement issued by Warwickshire CPS this week said: "As part of the continuing duty to keep cases under review, a senior crown prosecutor carried out a further review upon receipt of additional evidence relating to the case. "In the light of this further evidence, we made a decision to discontinue the prosecution against Pauline Cashmore and Jacqueline Woodward on the basis that there was now insufficient evidence to provide a realistic prospect of conviction."

Wembrook Care Home caters for five residents and is run by Individual Care Services, a company based in Redditch, Worcestershire, which also operates three other similar homes in Warwickshire. Mrs Woodward and Mrs Cashmore both claim they were forced to resign from their employment when the allegations led to them being charged. Two charges of ill-treatment remain against the former manager of the Wembrook home. Stephen Northcote, aged 37, of Potton Close, Coventry, who is due to appear at Nuneaton Magistrates Court on August 18.

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### **Colchester care couple on fraud charges, Harwich & Manningtree Standard, 9th July 2010**

A couple will face a trial accused of neglecting and defrauding adults with learning difficulties at care homes in Colchester. Daramdeo and Naliny Ramchurn – also known as David and Linda – both face ten charges of wilful neglect. They also each face ten charges of fraud in relation to benefits withdrawn on patients' behalf, and one fraud charge for breaching a care contract with Essex County Council. Ramchurn, 72, and his wife, 57, did not enter any pleas at Colchester Magistrates' Court.

District judge David Cooper declined jurisdiction and the case was adjourned for committal to Crown Court on September 1. Both defendants, of Cowdray Avenue, Colchester, were released on unconditional bail. The Ramchurns were arrested in April last year after police and social services carried out dawn raids at nine care homes in the town. The couple are accused of ill-treating the individuals, who all had learning difficulties, and failing to account for benefits withdrawn on their behalf. The charges relate to ten named individuals, who were in their care, and a breach of the terms of a care contract with Essex County Council. Both had worked as nurses at the old Turner Village Hospital for mentally-disabled patients, in Colchester. While working there in the late Eighties, they set up a private care businesses – a mixture of conventional nursing homes and houses where care in the community patients were able to live more independently.

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### **Care home owner won't face charges, Jarrow & Hebburn Gazette, 3rd June 2010**

The company in charge of a South Tyneside care home at the centre of a police probe will not face any criminal charges. But the detective leading the inquiry into deaths at St Michael's View Care Home, today, told the Gazette: "The case is not closed." Ten workers and two managers were suspended from the home, run by Southern Cross Healthcare Group, earlier this year after an investigation into the death of pensioner Joyce Wordingham was launched. The 80-year-old Alzheimer's sufferer died from bronchial pneumonia on February 20, and police were alerted after an out-of-hours GP called out to the home voiced concerns.

During the probe, police also began looking into the circumstances of 15 other deaths at the home in Westoe, South Shields, dating back to January 2009. A file regarding Mrs Wordingham's death was delivered to a London-based doctor specialising in geriatrics to determine whether a lack of care contributed to her death. His report was then handed to the Crown Prosecution Service (CPS) to decide on whether a charge of corporate manslaughter against the company could proceed. But last night, at a special meeting held at the home, Detective Chief Inspector Ian Bentham revealed no criminal prosecutions will be brought against senior management.

But the Gazette understands police are still looking at whether any charges can be brought against staff under the Mental Capacity Act 2005 in relation to Mrs Wordingham's death. The Act, introduced in 2007, introduced a new criminal offence of ill-treatment or neglect of a person who lacks capacity. A person found guilty of such offence may be liable to imprisonment for a term of up to five years. Officers are also still investigating information given by a 45-year-old female staff member, who voluntarily handed herself into police in April. Det Chf Insp Bentham said: "Following an in depth and thorough investigation, a file was submitted to the CPS in relation to St Michael's View care home. The initial decision by the CPS is that there will be no prosecution or further action in respect of criminal liability relating to the senior management of the home. However, the police investigation is ongoing. We will continue to work with our partners and liaise with families as the investigation progresses. The welfare of the elderly residents and their relatives remains our priority."

Meanwhile, emergency staff drafted in by South Tyneside Council and South Tyneside Primary Care Trust to care for residents after the police probe began are still working at the home. A spokesman for the council and the PCT said: "We take the safety and welfare of vulnerable and elderly people placed by the council into privately-run care home accommodation very seriously, and we have been working with our partners, the police and South Tyneside Primary Care Trust, throughout this investigation. The quality of care in St Michael's View Care Home is being closely monitored, and we have introduced additional specialist social care and NHS health advice and support. We are being supported in this by the PCT, which is providing specialist knowledge regarding nursing care." St Michael's View Care Home has the capacity for 64 residents and includes patients suffering from dementia. In March, the home was dropped to a zero-star "poor" rating in the latest report carried out watchdog body, the Care Quality Commission. Southern Cross was today unavailable for comment.

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### **Carer jailed for abusing dementia patient, St Helens Star, 26th May 2010**

A carer who "degraded and humiliated" an 85-year-old dementia patient has been jailed for six months. Senior Care Nurse David Hill, 48, had squirted the elderly resident at Victoria Care Home in Rainford with water from a syringe, force fed her and flicked food at her. He admitted causing ill treatment or neglect of a person that lacks capacity under the Mental Capacity Act after changing his plea moments before a trial was due to start earlier this month. Meanwhile Kathleen Roberts, who pleaded guilty to the same charge, was given a four month jail term, suspended for 18-months. Roberts, from Dunmail Avenue, Carr Mill played a less active role but was said to have laughed at and encouraged Hill's actions.

Passing sentence, Judge Robert Warnock said: "Both of you were in a position of trust that required the highest degree of responsibility because your patients and Dotty Tunstall in particular were vulnerable people who cannot look after or indeed speak up for themselves. You David Hill grossly abused that trust apparently for your own perverse enjoyment. You force fed her, you flicked food in her face and you put her in a hoist and spun her around when you knew she was terrified. You over a period of time made her life a misery and there was nothing she could do about it." Calling Roberts a "willing assistant", he added: "I cannot understand how you can possibly have found it funny." Addressing both defendants, he added: "Your joint actions were degrading and humiliating and of course they were against the vulnerable. I have a public duty to protect those who cannot protect themselves."

Mrs Tunstall has since died. Michael Wolff, who was defending Roberts, described her as "a broken woman", who had collapsed in tears when she heard of Mrs Tunstall's death. Hill's barrister Daniel Travers said: "He acted out of character and is ashamed and totally regrets what happened." He

suggested that Hill had struggled to cope while at the unit. Both have been dismissed by the company, which manages the care home.

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### **Ex-care worker spared jail over treatment of vulnerable woman, Evening Gazette, 27th March 2010**

A former care home worker has been handed a suspended jail term after she admitted the ill-treatment or neglect of a vulnerable woman. A court heard how Aurora Petre pushed and swore at a patient in her care suffering from early onset dementia and schizophrenia. The 35-year-old Romanian national was caring for the vulnerable woman, in her late 50s, with another staff member when the incident took place between February and March 2008. The fellow support worker at Billingham Grange Care Home raised the alarm after witnessing Petre grabbing the patient by the shoulder, shouting and swearing at her, pushing her and causing her to fall onto a mattress.

Prosecutor Kitty Taylor told Teesside Crown Court that the same worker later heard the patient screaming when with Petre and saying "You're hurting me." The support worker also reported hearing a "thud". The court heard that there were no physical or mental injuries to the victim apparent. Stephen Constantine, defending, told the court that Petre was in a difficult situation at the time of the offence. He said: "She was alone in the country. Her husband and children, now aged 11 and nine, were in Romania. She tells me with reflection that perhaps she was under stress. She came to this country to try to work to earn money to send back to her family in Romania. She finds it difficult to come to terms with what she is reported to have done because she feels it is out of character." Petre, of Leighton Road, Corby, Northamptonshire, will be reported to the Independent Barring Board, meaning she can no longer work with vulnerable adults.

Judge John Walford told Petre: "You came to this country as an economic migrant some four years ago. I am unable to know whether or not you exaggerated or even misrepresented your skills in order to secure work in what must have been a very challenging work environment, but I suspect that whatever your training or work experience in Romania you didn't have the necessary attributes to properly deal with someone like the victim with her difficulties. What you did was a gross abuse of power in relation to a vulnerable victim and what you did will have sickened her family and people hearing the facts of this case. But in sentencing you it is important in my judgment that I keep it in perspective and don't overreact." The judge also praised the swift actions of the support worker who reported the incident and the care home for taking quick action. He sentenced Petre to four months in prison, suspended for two years, and ordered her to pay £1,000 costs at a rate of £100 a month.

After the case a Billingham Grange spokesperson said: "The safety and wellbeing of our service users is our utmost priority. The team here immediately alerted the relevant authorities to the concerns raised and worked closely with them throughout the investigation. We are pleased this case has been brought to a conclusion."

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### **Redditch care worker cleared of abuse charges at Alcester care home, Birmingham Mail, 5th March 2010**

A Midland care worker has been cleared of allegations that she abused five old women suffering from dementia who regularly lashed out at staff as they looked after them. Kofoworola Akadri, known as Kofo, had denied five charges of ill-treatment or neglect of a person who 'lacks capacity' – a term which covers people with dementia, at Warwick Crown Court. The charges followed alleged incidents at the Cherry Trees care home in Alcester where Akadri, 50, of Felton Close, Redditch, was a senior care assistant. But a Judge ruled there was insufficient evidence on which the jury could convict her.

Prosecutor Nigel Stelling said that one wing of the care home is dedicated to people suffering from dementia – and the five alleged victims, all in their 80s, were among them. Their care was carried out by teams of two, and the alleged offences took place while Akadri, who is a qualified nurse, was accompanied by various student carers. But Recorder Richard Benson QC said: "Mrs Akadri, known as Kofo, is a middle-aged lady who all her working life has been involved in nursing and care work. She is of unblemished character. "The ladies in the five counts could be physically abusive towards

staff, sometimes lashing out or slapping them while they were being changed or assisted in some way.”

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### **Police investigation after woman's death at Brighton care home, The Argus, 5th February 2010**

Police have launched an investigation after a woman died at a care home. Officers are looking into “possible neglect offences” after the death of Barbara Merritt, 78, at Heath Hill Lodge in Heath Hill Avenue, Brighton. A Sussex Police spokesman yesterday said no one had been arrested at this stage. Brighton and Hove City Council will now move people out of the privately-run care home after expressing concerns that residents were “at risk”.

A council spokesman said they are taking action because of “serious concerns about the standards of care” at the home. The home is owned by Joginder Singh Vig and Beant Kaur Vig, who run four other homes in Hove through the company Vigcare. In 2007 the council removed residents from another Vigcare-run home, Miles Court, in Hereford Street, Brighton, after the death of 84-year-old Charles Hounslow. The home closed after the then Social Care Inspection found it to be failing in all areas. A spokesman for Heath Hill Lodge said the owners are taking the concerns “very seriously” and had suspended some members of staff. He said steps had been taken to improve the level of care but that it is “unfortunate and unnecessary” that residents are being removed. He added it would be wrong to comment on the neglect allegations whilst the police are investigating. Mrs Merritt died of natural causes on October 8 last year.

A Sussex Police spokesman said: “Police are investigating possible neglect offences, contrary to Section 44 of the Mental Capacity Act 2003, following the death from natural causes of 78-year old Barbara Merritt, a resident at Heath Hill Lodge, Bevendean, on October 8 last year. A report will be submitted to the Crown Prosecution Service (CPS) for a decision as to whether there should be any proceedings, once the enquiry is complete. Nobody has been arrested at this stage. We are not investigating any other allegations concerning the premises or staff.”

The Government social care inspector, the Care Quality Commission (CQC), gave the home a no star rating in its latest published inspection report. Two unannounced inspections in August last year found the home to be “poor”. The commission report found that “residents’ health, personal and social care needs are at risk of not being met”. The report said staff often did not record the correct dosage of medication, with some residents being given too much or too little. Some nurses could also not understand information on some prescriptions and one resident was subjected to weekly “invasive” blood sugar tests unnecessarily. The majority of the residents at Heath Hill Lodge and their relatives were unaware of the concerns of the council and the commission until they were told on Friday that they were being moved out.

A council spokesman said: “We have serious concerns about the standards of care at Heath Hill Lodge. Our view is that the clinical needs of a number of residents are not being met, and that this is placing residents at risk. There have been a number of investigations into the care provided at the home in the last few months. During this time we have worked long and hard with the home’s management to try to address our concerns. We are now attempting to work with them to ensure that moving the residents can be done in a planned and sensitive way.” The CQC report found that staff would often go into the toilets whilst residents were using them without permission. Another resident was forced to wear continent pads daily even though there was confusion about whether she was incontinent at all. The CQC gave the home a care plan to improve standards. It also gave a recommendation that “urgent action was required to ensure individual’s privacy and dignity”. The council then made the decision to remove the 20 council funded residents last week.

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### **Convictions of care manager and GP quashed on appeal, BBC News, 9th December 2009**

A care manager who was found guilty of wilfully neglecting a patient has cleared her name. Alan Sayers, 53, who had dementia, died at the Mountleigh care home, Newbridge, Caerphilly county, in September 2004. Edna Evans, 58, was convicted in November last year but her conviction was quashed at the Court of Appeal. Dr Sushma Ojha, 48, who had been found guilty of making a false

representation for a cremation, also had her conviction overturned. Neither had been jailed after the original case at Newport Crown Court. Mrs Evans, of Llanbradach, Caerphilly county, was given a conditional discharge at Newport Crown Court and Dr Ojha, a GP, was fined £2,000. Both launched appeals to try to clear their names and regain their professional reputations. They were among four people who were convicted of criminal offences in the circumstances surrounding Mr Sayers' death. An appeal by nurse, Musedig Salisu, 48, of Newport, who was also convicted of wilful neglect, was upheld.

Mrs Evans had been on holiday at the time of Mr Sayers' death but was prosecuted because she had responsibility for his care. She had set up a rota system to ensure he received 24-hour care but the system broke down and he was left alone for periods on the night of his death. Lord Justice Hughes, quashing her conviction, said the prosecution had not produced evidence which suggested that Mrs Evans had been deliberately or recklessly negligent. "All the evidence was that Mrs Evans was a long-standing professional with a first-class record, conscientious, with very good assessments," he said. "The evidence did not begin to contain any material on which the jury could conclude, not simply that her system was not good enough, but that she had either deliberately neglected her duty or didn't care less whether she did or not."

Dr Ojha, of Bargoed, Caerphilly county, was convicted of making false representations on the cremation certificate which she signed after Mr Sayers' body had been found. Among other things, the cremation certificate had made incorrect statements about the time of death and the last time Dr Ojha had seen Mr Sayers. The prosecution alleged that she had been deliberately dishonest when filling in the form, with a view to enabling Mr Sayers to be cremated and cover up failings in her own and the care home's care. But Lord Justice Hughes said there was no evidence at all to suggest that the doctor had performed below standard and "no shred of evidence" to suggest she was trying to cover up what happened at the care home. "We are left, accordingly, with the clear conclusion that, as this trial proceeded, the conviction which has been returned, is unsafe," he said. The appeal court was told that the appeal of Mr Salisu, who had been present on the night of the death, had to be dismissed because there was evidence from statements he made to the police that he had been reckless.

[http://www.davesheppard.co.uk/access/pdf\\_files/Salisu.pdf](http://www.davesheppard.co.uk/access/pdf_files/Salisu.pdf)

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### **Nurse sentenced for patient abuse, BBC News, 23rd November 2009**

A nurse who abused two 87-year-old men with dementia at a Cardiff hospital has been given a suspended prison sentence. Penelope Rees, 52, whose surname used to be Webber, was found guilty of two counts of ill treatment and one of neglect at Cardiff Crown Court. Rees, of Aberdare, wrestled one patient and force fed medication to another at Whitchurch Hospital. She received a sentence of six months, suspended for two years. The local health board is investigating. The court heard that Rees was diagnosed at 19 with bipolar affective disorder with associated psychosis and once believed she was made of plastic and was going to melt.

Judge Stephen Hopkins QC has demanded an investigation into how a nurse with a history of mental illness was employed to look after patients with dementia. Speaking as he sentenced her "I don't think anyone who suffers as Penny Rees suffers from her own psychiatric problems was best placed to be a nurse in such stressful conditions. I'm very surprised." He said Rees had become "lazy and indifferent" to her patients. "You had lost the most important quality of nursing - you stopped caring for those you were employed to care for," he told her. "Dementia sufferers never lose the right to be treated with dignity and care. You failed elderly men in both regards."

Along with the suspended sentence, he imposed a supervision requirement for the next two years on the nurse and ordered that she be electronically tagged as part of a curfew requirement between the hours of 8pm and 8am. The court heard Rees is also due to face a hearing of the Nursing and Midwifery Council. The trial had been told how Rees, of Ystradfellte, Aberdare, was seen kneeling on top of one elderly man, force-feeding him medicine when he refused it. Another patient she was in charge of was spotted with a cut lip and skin tears on one arm after she had been at his bedside during an overnight shift on January 27. The court heard Rees was asked by Nursing Assistant Ross

Morgan what happened to the patient. The prosecution said she told him: "He put up a good wrestle but I was too strong for him." Rees had worked as a nurse for 20 years but is now suspended.

Ruth Walker, nurse director at Cardiff and Vale University Health Board, said patient safety was a priority. "The concerns of those involved were picked up under our care of vulnerable adult procedures and we took immediate action to safeguard our patients," she said. "We take our responsibilities to our staff and patients very seriously, and place their care and safety at the top of our agenda. We will, as a matter of standard, finalise our investigation and take the appropriate action now the court proceedings have come to an end."

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### **Home worker sentenced over abuse, BBC News, 16th November 2009**

A care home manager who used the arms of other residents to hit a woman with learning disabilities over the head has been given a suspended sentence. Jane Harris attacked the woman as punishment for pulling her hair, Leeds Crown Court heard. The 45-year-old was given a six-month jail sentence, suspended for 18 months. Harris, of Priory Close, Conisbrough, South Yorkshire, was convicted of six charges of ill treatment or neglect earlier this month. Recorder Simon Jackson QC also imposed a 12-month supervision order, including a requirement to do 150 hours of unpaid work.

The offences took place between May and August 2007 at the Travis Gardens home for the severely learning disabled in Hexthorpe, near Doncaster. The centre at 88 Travis Gardens is unrelated to two nearby homes at numbers 84 and 86 on the same street. Police said Harris, who has 23 years of nursing experience, was only the second person to be convicted under the provisions of the new Mental Capacity Act. It makes ill-treating or neglecting a vulnerable adult a specific offence.

The court was told how Harris's behaviour left residents traumatised. One woman involved in the abuse cannot speak but was heard to scream by other staff. Harris denied any of the incidents had happened. The judge told her: "The offences were committed by you against some of the most vulnerable people in our society."

Speaking after the hearing Det Insp Natalie Shaw thanked staff at the home for speaking out against Harris's behaviour. "This woman was paid to look after and care for these people. These are the type of people she ended up abusing", she said. "We're just thankful staff came forward." In a statement Rotherham, Doncaster and South Humber Mental Health NHS Foundation Trust said it "condemned" the incidents reported in court. It added that an internal inquiry into Harris's case had begun now criminal proceedings were complete. It said: "The trust appreciates and deeply regrets the distress these incidents must have caused to the residents and their families."

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### **Severely disabled man was assaulted by carer, Evening Chronicle, 13th November 2009**

A carer assaulted a severely disabled man she was supposed to be looking after. Anita Plunkett was employed to care for the man but instead lost patience with him, dragging him out of a car and pushing him over. Newcastle Crown Court heard how other carers had raised concerns about Plunkett's behaviour towards the disabled man, claiming she had belched in his face and put obstacles in his way as he walked. The victim, in his 20s, suffers from Downs Syndrome, a heart defect, severe learning difficulties, struggles to walk and has limited vision. But on a day trip from the Gateshead residential home where she worked, Plunkett 'pulled him aggressively' from a car then pushed him over and told him to 'hurry up'.

Judge John Evans told Plunkett: "This is a very sad case. It is sad from point of view of the victim because he is plainly someone who is a vulnerable individual. By reason of various medical difficulties he suffers from he is dependent on those responsible for this care. It is also a sad case for you, a well-respected member of staff, and the net result is you have negligible prospect of working in this capacity in future."

Plunkett, 40, of Lumley Walk, Dunston, had worked as a carer for 14 years without any problems, the court heard. But she admitted common assault on the disabled man and has now been fired. Anne

Richardson, prosecuting, said: "Two members of staff complained about the defendant's treatment of the man. They said her behaviour towards him included belching in his face and putting obstacles in his way when he was walking. But the trigger for the actual complaint to management was during a trip to Byker. The man required aid to get out of the car and doing so the defendant took his arm and aggressively dragged him out. "Once the trip was finished the man was walking slowly because there were leaves on the floor and the defendant came behind him and pushed his back causing him to stumble and told him 'hurry up'."

After the two assaults in October last year Plunkett was arrested and originally charged with neglect. However, her guilty pleas to common assault were accepted and Judge Evans said he sentenced her to a two-year conditional discharge plus £250 costs on the basis they were isolated incidents. James Adkin, defending, said: "It's clear she had affection for those in her charge and is described as a capable and valuable member of staff. The offences represent isolated conduct in an otherwise successful career. She has worked in the industry for 14 years and impact of her offending has been dramatic, financially and in terms of getting work."

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### **Ely carer who has denied ill treating or neglecting three vulnerable adults is to face trial, Ely Standard, 6th November 2009**

A carer who has denied ill treating or neglecting three vulnerable adults while working in Ely, has been committed to stand trial before a judge at Cambridge Crown Court. Beryl Fedyschew, 52, is charged under the terms of the Mental Capacity Act of 2005. It is alleged that between May 1 and July 20, Fedyschew ill treated or wilfully neglected three people who lacked mental capacity, Sylvia Smith, Joy Read and Nicholas Lacey. Fedyschew, of Grounds Avenue, March, appeared at Ely courthouse on Thursday. Her unconditional bail was extended until December 4, when a preliminary hearing is due to be heard at the Crown Court.

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### **Care home manager is cleared of neglect, This is Lincolnshire, 8th October 2009**

A Lincolnshire care home manager has walked free from court after being cleared of neglecting three elderly residents. Elaine Noble, 57, had denied neglecting three residents while running St Michael's Care Home in Waddington, near Lincoln. During a month long trial at Lincoln Crown Court the jury heard how St Michael's was raided by a team of police officers and social workers in August 2007 after they were allegedly "tipped off" by disgruntled staff. It was claimed some elderly residents were left for hours in their own urine because not enough staff were employed to change them, while other residents suffered bed sores.

But the jury of five men and seven women cleared Miss Noble of neglecting 85-year-old Roy Kendal and 96-year-old Irene Walker after deliberating for more than 10 hours. The jury failed to reach a verdict on a third charge of neglect relating to 82-year-old Hilda Shepherd. Judge Robert Alan Brown directed a not guilty verdict after the prosecution decided it would not be in the "public interest" to pursue a re-trial against Miss Noble on that charge. After being discharged from the dock Miss Noble, who became manager of the home after starting as a book-keeper in 1993, whispered "thank you" to members of the jury.

During the trial it was alleged Mr Kendal, who had mobility problems and difficulty communicating as a result of a stroke, was regularly left in urine soaked sheets and clothing throughout the night. But giving evidence during the trial, Miss Noble, a mother-of-two, told the jury how she was prevented from employing an extra senior carer on nights because the owner of the home, Paul Lynch, would not pay for the woman she wanted. Miss Noble, who did voluntary work for the cubs and St Barnabas Hospice, also explained how she contacted social services over her concern that Irene Walker needed full time nursing care.

The jury were told Miss Noble also spoke regularly with social services about Mrs Shepherd's deteriorating health. In a letter which was read to the jury Mrs Shepherd's son Robert, thanked Miss Noble for "all her hard work" in looking after his mother. It added: "I know my mother always liked you." The jury also heard from retired senior staff nurse Linda Cotterill, whose mother is still a resident



in St Michael's. Mrs Cotterill said she found Miss Noble to be a "very caring and kind person", and described how her mother's room was always "spotless".

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### **Nurse in photo abuse of woman of 92, Newham Recorder, 19th August 2009**

A care home nurse from Manor Park has been sentenced for neglect in what is believed to be the first conviction of its kind under the Mental Capacity Act. Ramona Dublas, 41, was found guilty of taking a photo of a 92-year-old semi-naked woman after being convicted of ill-treatment and wilful neglect under section 44 of the 2005 Act. Inner London Crown Court heard that Dublas worked as a nurse at the private Bakers Court Nursing Centre in Little Ilford Lane, Manor Park. A member of staff at Newham Council's Safeguarding Team, who help vulnerable adults, became aware a photo was in circulation of one of the residents. The matter was reported to police in June 2008. The woman managed to obtain a copy and the picture showed the elderly dementia sufferer being held up by her wrists and naked from the waist up.

In court Dublas, of Browning Road, denied the charge and claimed she wanted to take the photo to show the woman was "happy". The resident died three weeks later, though this was not related to the offence. Dublas was sentenced to nine months' imprisonment, suspended for a year, 200 hours' community service and banned from working with children and vulnerable adults in the future.

Acting Det Chief Insp Sam Faulkner, of Newham police, said: "Dublas abused her position and broke the trust of not only the victim but also the victim's family, who would have been confident she was being well-cared for." He continued: "The Act was specifically set up to safeguard vulnerable adults who lack the ability to make some decisions for themselves due to a learning disability or mental health condition. We believe this is the first conviction of its kind." Care assistant Jacob Bernardo, 30, of Walthamstow, was acquitted of the allegations.

The nursing centre is owned by Bupa. Regional Director Oliver Thomas said their residents' well-being, dignity and privacy were their highest priorities. "Such a gross breach of trust, while extremely rare, has appalled us," he said. "We apologised at the time for the distress caused to this lady and her family."

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### **Care home owners deny abuse of residents on alternative medicine, Yorkshire Post, 2nd April 2009**

The owners and manager of a Yorkshire care home at the centre of an abuse probe have denied any wrongdoing and say they have nothing to hide. Detectives are investigating claims that mentally handicapped adults were neglected and ill-treated at the privately-run Woodlands residential home in Nostell Lane, Ryhill, near Wakefield. On Monday they arrested the owners, Trevor and Barbara Foster, and the manager, Lisa Thorn, all of whom have strenuously denied the allegations. All three were released on bail pending further inquiries after being interviewed at Wood Street in Wakefield.

The allegations include:

- Residents being pushed and sworn at;
- Residents not given enough food and drink;
- Home too cold in winter;
- "Chaotic" system for providing meals;
- Out-of-date food stored and served up;
- "Excessive importance" given to weighing residents and measuring thighs, knees and ankles;
- Residents not being allowed showers when they want;
- "Excessive and widespread" use of alternative remedies – including homeopathy and using honey to treat cataracts;
- Residents having to pay for homeopathic treatment;
- Management's "apparent reluctance" to seek conventional medical input;
- Inappropriate siting of indoor CCTV cameras.

Wakefield Council, which is looking into the claims, revealed the allegations in a 10-page document which was handed to the Fosters and Lisa Thorn on March 20, nearly two months after allegations were made in a letter, believed to be anonymous. Some of the home's alleged failings were identified by the Commission for Social Inspection whose inspectors visited after the initial allegations were made in January. The CSCI has told Wakefield Council and the Fosters that provision of meals and food was "chaotic" and an inspector "discovered large amounts of evidence to confirm that service users are receiving very little and go for long periods without food or drink." The CSCI also found evidence of "excessive importance" being given to weighing residents. Inspectors said residents were given alternative remedies, including honey, and that such remedies were used to excess.

All the claims have been rejected by the Fosters and Lisa Thorn. In a letter through a solicitor, Ms Thorn has told Wakefield Council that she had never witnessed swearing or pushing and residents were always asked if they had eaten enough. In the letter, she admits some failings with stock rotation which allowed out-of-date food to build up. She says weighing residents has been done for 15 years, with no complaints from inspectors, and was used to detect health problems. Ms Thorn said honey had been used in the past but the practise had ended. She said homeopathic treatments were used in tandem with conventional treatments. Residents had been charged for the services of the homeopath for many years, without criticism from Wakefield Council or CSCI, she said.

Last night Mr Foster said his main concern was not for himself but for the 18 residents, some of whom had lived at Woodlands for 25 years, and the 12 staff, who he fears may lose their jobs. Although the home remains open, he and his wife and Ms Thorn have agreed to stay away during the investigation. "Residents' parents have told us that the home will be closed by next Thursday. No-one has told us. We have owned and run this home for 25 years, with annual inspections and no problems. All of a sudden we are the worst of the worst. "The residents say they don't want to leave. They are supposed to have the same rights as anybody else but what has happened to their rights? We have always been open; this is tearing us apart. We feel useless, we can't do anything for the residents." Some parents of Woodlands residents are standing by the Fosters. One said: "We are very satisfied with our daughter's care and the place itself. We have visited every week for three years. We don't know what the allegations are but as far as we know there is nothing." Last night Wakefield Council said the home remained open and that it would be inappropriate to comment while the investigation was ongoing.

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### **Carer charged after client died of 'neglect', Crawley News, 25th March 2009**

A vulnerable woman who needed 24-hour supervision died after her Crawley-based carer left her alone for five hours, a court has heard. Karen Worsfold, 54, choked to death on a pizza in her bungalow when a piece of food became stuck in her gullet, bringing on a heart attack, a jury was told. One of her carers, Kebatshabile Mphefo, of Climping Road, Ifield, is being prosecuted under the Mental Capacity Act over the tragedy.

Guildford Crown Court heard on Monday that the defendant was one of Miss Worsfold's two round-the-clock carers employed by the Rest Assured agency for Surrey County Council to look after her at her specially-adapted home. Jonathan Davies, prosecuting, said Miss Worsfold, who suffered bi-polar mood swings, suffered a flu-type illness in 1992 which left her brain damaged. Mr Davies said Miss Worsfold needed her food to be cut up in small pieces because she tended to eat faster than was safe for her. The court heard this had tragic consequences on March 8 last year when Miss Mphefo allegedly left her shift in the afternoon - without waiting for another carer to arrive to replace her. When the replacement carer arrived five hours later, she found Miss Worsfold slumped in her wheelchair.

The prosecutor said Miss Mphefo should have realised that Miss Worsfold was bound to have got hungry during this time and sought something to eat. He said: "She should have known Miss Worsfold would eat large amounts of food at speed when she was in a high mood." Mr Davies told the court the victim had eaten herself to death. A moist lump of food was found in her voice box, which caused her to have a heart attack. Botswana-born Miss Mphefo, 24, denies a charge of willful neglect. The trial continues.

**Care workers filmed attacks on elderly, Isle of Wight County Press, 26th February 2009**

Two young women filmed their sickening abuse of old people to entertain their friends. A court was told how the two former care home workers tormented their victims, both suffering from severe dementia, pinching them, pulling and contorting their faces, pushing a mobile phone at one woman's face and putting their fingers in the mouth of another. The abuse was filmed by one of the women, with both laughing at their distressed victims, one of whom called for them to stop. Amy Lacey, of Hefford Road, East Cowes, and Carla Hetherington, of Green Lane, Shanklin, both 22, worked at The Orchard House Care Home, Fairlee Road, Newport, at the time of the incident. They each pleaded guilty to two charges of wilful neglect.

Both wept at the Portsmouth Crown Court hearing last Friday as the stunned public gallery watched the mobile phone footage, reported to authorities by a horrified colleague. "Lacey was showing the video laughing about it to another friend of theirs at the flat," said Kate Lumsden, prosecuting. For Lacey, Richard Germain said she had been planning to study nursing but her prospects were ruined. He said: "It was irresponsible and immature. If there had been any kind of supervision at the care home it would have been stamped on right from the beginning. "She will never again take up employment in this field. The punishment for her will be that she will not be able to follow her chosen career." For Hetherington, William Mousley said his client who had trained in child care, had been fooling around and not thought of the implications.

Judge Graham White told the women: "Nobody looking at the mobile phone recordings which we have all seen today will feel anything other than repugnance for what you did. "Your victims were old and they were frail, both physically and mentally. You stripped them of their dignity as human beings and treated them as playthings. I can't think of any more sickening behaviour by two young women in positions of responsibility towards the elderly." He told the women they were fortunate not to be jailed. Lacey was sentenced to a 12-month community order and 200 hours' unpaid work. Hetherington was handed a 12-month community order and 150 hours of unpaid work. A spokeswoman for the care home said: "The health and well-being of our residents is always of our utmost priority and for this reason we ceased to employ the staff involved. As soon as we uncovered this issue, we notified the police and have been working under their direction to help them secure a conviction."

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**Police neglect probe at care home, South Devon Herald Express, 13<sup>th</sup> February 2009**

The deaths of two elderly residents are at the heart of a police investigation into possible neglect at a Kingsbridge care home. The two residents, a man and a woman, were both taken to hospital following the falls at the Westerlands Residential Home in October last year. Coincidentally both are believed to have died on the same day some time later, leading to concerns at the coroner's office in Plymouth. As a result, a police inquiry was ordered and a woman member of staff at the care home was arrested on suspicion of neglect and questioned last month. Police have made it clear there is nothing suspicious about either of the deaths.

It is believed the investigation, revealed by the Herald Express last month, is around the circumstances of the accidental falls and whether they could have been preventable. It is understood yesterday arrangements were being made to move some residents out of the home amid complaints from workers about members of the press and TV crews knocking on their doors. A police statement said: "The falls were separate incidents which took place between October 18 and 30, 2008. The victims died subsequently of their injuries at hospital some days later. Those deaths are not being treated as suspicious. Police are investigating on behalf of HM Coroner and jointly in partnership with other agencies the precise circumstances around standards of care in the home at the time. This is being done to determine if any issues of wilful neglect have taken place against residents who lack mental capacity. Inquiries are expected to take some time. A woman has been arrested on suspicion of neglect under the Mental Capacity Act 2005 and is currently on police bail."

The joint investigation involves the police, county council and the primary care trust. About 12 staff work at the home which is owned and managed by Elizabeth Low. As news of the police investigation was revealed, the county council announced it was moving the five residents it funds out of the home. Four residents at the home are privately funded. Yesterday all a county council spokesman would say

was: "The county council is continuing to work closely with residents' families, the home owner and relevant agencies, to ensure the situation is handled as sensitively as possible. While this process is still ongoing, we are unable to comment any further at this stage." Yesterday a member of staff at the home said it was still operating as a care home and residents were still being looked after there, but refused to comment further.

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#### **Care workers cleared of neglecting patient, Kent Online, 10th December 2008**

Two care workers have spoken of their relief after being acquitted of neglecting a patient. They were sacked from Five Ways residential home in Tankerton after 19-year-old Darren Green was taken to hospital suffering from serious burns. But on Wednesday at Canterbury Crown Court Judge Michael O'Sullivan told the pair they could leave court "with unblemished characters".

After discussions between two burns experts, the Crown Prosecution Service offered no evidence and Ebenezer Adebisi, 27, of Forest Row, London, and Sharon Johnson, 46, Charnwood Street, London, were formally acquitted. Both had denied the charge. Mr Adebisi had been accused of leaving the victim in a bath while he went out of the room. But the court heard the valve on the hot water tap was faulty and scalding water burned Mr Green. After the hearing, Mr Adebisi said: "I am so relieved. It had been a nightmare. I have suffered depression and worry over this case." Miss Johnson added: "We loved this patient and would have never done him any deliberate harm."

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#### **Neglectful husband left stuck wife with pies and water, The Independent, 28th November 2008**

An "overbearing" husband left his wife with three pork pies and some water when she got wedged down the side of the bed, a court heard today. David Hargest, 65, who admitted neglect and ill-treatment, said he could not free wife Cheryl because of his bad back. The pork pies were still sitting on the mattress in their packet when police arrived at the couple's flat, the court was told. Cardiff Crown Court, where Hargest was given a 36-week suspended sentence, heard how he failed to look after Mrs Hargest properly when he should have been caring for her.

Prosecutor Jon Holmes said the relative of a neighbour, a nurse, became concerned about Mrs Hargest. "Mr Hargest was overbearing and domineering and she suggests that Mrs Hargest is, to a degree, afraid of him," Mr Holmes said. On one occasion she found the flat in Butetown, Cardiff, in a poor state with an "overwhelming" smell of urine. In April, Hargest said his wife had "managed to get herself wedged between the mattresses". It had happened before, he said, but this time he could not get her out because of his back. "He said he had left her some pork pies on the mattress so she had something to eat and a bottle of water, but he had clearly left her there," Mr Holmes said. Police could not see Mrs Hargest in the bedroom at first. They found her lying on the floor between the bed and a chest of drawers. "The police did notice there was a packet of three unopened pork pies on the mattress near to where Mrs Hargest was on the floor," he said. At hospital doctors said she was confused, dehydrated, had pressure sores on her back and showed signs of neglect. Hargest accepted his wife had a history of schizophrenia and epilepsy, Mr Holmes added.

The couple met in 1993 and married in 1996. He started looking after her in 2000. But he stopped collecting the medication for her epilepsy and was told last December that he needed to bring her in for a review. Jennet Treharne, mitigating, said at that time his "level of care fell short of what was required". "Why did he not go to find appropriate medication for her? The reason being that she was in denial herself," she said. "She was adamant that she would refuse to go, either to the surgery or have a home visit." She said Hargest accepted he should have gotten help when he could not move his wife. It perhaps shows the naivety of his approach that he left the pork pies for her," she added. "It was not a deliberate assault. It was neglect and it is perhaps against a background of many, many, years of looking after his wife who had considerable problems."

Sentencing Hargest for ill-treating or wilfully neglecting his wife at a time when she lacked mental capacity, Judge Isabel Parry said: "For a period of four months you failed to obtain, as you should have, your wife's medication for her epilepsy." She added: "The fact that she was uncooperative and unable to do things at your request was a marker to the extent that she needed care, if not from you

then from outside agencies." His sentence was suspended for two years and he will be supervised by a probation officer.

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### **Carer pinned OAP down by his arms, Rhyl Journal, 26th November 2008**

A carer in a nursing home who held a 91-year-old resident down by his arms, wept as she was found guilty of ill-treatment. Christine Smith, 50, of Ffordd Derwen, Rhyl claimed that she had been acting in self-defence as the man, who suffered from dementia, tried to punch her. The incident occurred at the Beach Court Home in Prestatyn last October just as Smith was coming to the end of her night shift. Fellow carer Tracey Wright told Prestatyn magistrates that she was giving breakfast to the 91-year-old in his bedroom and, as he often did, he made some remark such as 'give us a hug' or 'give us a kiss'. Mrs Wright said: "He was joking and it was nothing inappropriate. Just then Smith came into the room and told the man to get out of bed, pulling the quilt down. Mrs Wright said that her colleague seemed very angry and shouted at him. He became increasingly upset, waved his fists about, threatened to thump her and said he would get her sacked. Smith replied "I'll thump you back" and held the man's arms back on the pillow for a few seconds. Mrs Wright said she tried to calm him down but he kicked out and kicked Smith in the stomach.

Mrs Wright, who reported the incident to her superiors, told the court that other members of staff accepted that resident used sexual banter and she didn't find it offensive. Smith, a former foster carer and Cub leader, told the court that she disapproved of sexual banter, especially with elderly people, and that she went to Tracey Wright's assistance when she heard her shout: "Get off you dirty old b----r". She said the man was already agitated and started shouting at her, so she raised her voice at him and moved the quilt to help him get up to have breakfast. "I realised at the time I was a little bit loud but I wasn't cross," she said. She said she grabbed his left arm as he tried to punch her, and soon let go. "I acted in self-defence," she said. Smith, who was sacked, was ordered to pay the man £300 in compensation and £200 costs.

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### **Care workers cleared of neglect, Stourbridge News, 18th August 2008**

Two care workers from Kingswinford and Stourbridge accused of leaving a man with severe learning disabilities on a minibus for 12 hours have been cleared of wilful neglect. The prosecution offered no evidence in the case against 56-year-old Catherine Flowers and Donna Reid, aged 31, when they appeared before Wolverhampton Crown Court. The two women, who work at Grange House care home in Parkway Road, Dudley, had both denied ill-treating or wilfully neglecting 51-year-old Eroll Collins - a man suffering from mental incapacity - who sparked a major search after he failed to arrive back at the home after a day out. Judge Nicholas Webb directed not guilty verdicts should be recorded against the pair and he told them: "This brings to a close the criminal proceedings against you. However it does not bring to a close any employment sanctions which may or may not follow."

Flowers, of Rangeways Road, Kingswinford, and Reid, of Peak Road, Stourbridge, currently both suspended from their jobs, now face a disciplinary hearing brought by Dudley Council - which could result in their dismissal from the care home. They were charged after Mr Collins, who has the mental age of a six-year-old, failed to return to Grange House, where he lives, following a trip to a centre in Walsall back in July 2007. A major search was launched and, hours later, Mr Collins was found on a minibus - which had been left unlocked and parked at the Pulse depot in Stourbridge. The judge told the court the ordeal must have been "dreadfully distressing". And after the case, Mr Collins' brother Roy - who travelled up from London for the hearing - said: "It took him quite a while to get back to normal. For months he kept saying how he had been left on the bus, but he is much better now." A spokesman for Dudley Council said afterwards: "Following the conclusion of legal proceedings we are now in a position to complete our own internal investigation. We hope to bring this matter to a close as quickly as possible."

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**Neglect case 'tragic' for nurse, BBC News, 22nd May 2008**

A nurse whose career has been ended by the death of an elderly patient has been given a conditional discharge. Gladys Thomas, 84, died within five weeks of arriving at Bryngwyn Mountleigh nursing home in Newbridge, Caerphilly county, in September 2005. John Barry Adler, 52, had pleaded guilty to neglect on the basis of not administering the correct medication. Judge Roderick Denyer told Newport Crown Court it was "tragic" Alder would never work as a nurse again. Earlier this month eight other nursing home workers were cleared of Miss Thomas's wilful neglect after the prosecution dropped the case. Alder from Newbridge, had not been involved in that trial.

Sentencing Alder, who has since resigned as a nurse, Judge Denyer said he had not physically harmed or deliberately neglected her. "I acquit you of any positive desire to do any harm to Gladys Thomas at all. Your negligence resides in your failure properly to deal with the change to the regime on her return from hospital." The judge said others were equally culpable for failing to notice the change in regime. He told him he was sure it was "a major source of unhappiness for you" that he would never work as a nurse again. Judge Denyer added: "Your life has been wrecked, quite frankly."

Miss Thomas was suffering from fractured bones and extensive bruising when she was admitted to the Royal Gwent Hospital, Newport, in October 2005, but it was decided there was no evidence she was physically abused. Alder had been working at the home when Miss Thomas was released from the hospital. The court heard that the hospital had decided on a new medical regime for the pensioner, who suffered from severe mental and physical problems. However, Alder, who regularly worked 12-hour days at the home, did not realise this, and she was given the wrong doses of drugs for a week before being readmitted to hospital. He did not update records, and failed to give her Frusemide, a diuretic prescribed for her, the court heard.

Gerard Elias QC, prosecuting, said this could have contributed to her heart condition, for which she was admitted to hospital for the second time on 19 October. She died on 27 October. Hugh Davies QC, defending, said Alder told him: "I feel we let Gladys down." Mr Davies added: "Miss Thomas was not just let down by him, but he's the one who takes all the blame for it." The court was told an unknown member of staff had been responsible for Miss Thomas's arrival at the home following the first hospital stay, and that another qualified nurse had been working alongside Alder. Mr Davies said there was "no malice" intended, and that it was "simply an accident".

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**Care home boss jailed after 'wilful neglect' killed Alzheimer's patient, Daily Mail, 21st May 2008**

A former care home boss was behind bars last night after her 'wilful neglect' led to the death of an Alzheimer's patient. The family of Peter Giles, 56, found him lying in soiled clothing, sweating and unconscious. At other times he was left severely dehydrated. Relatives said that during a period of just ten days at the Abbeycroft Care Home in Blackpool, the former soldier lost two stone. Weeks later he died of pneumonia and septicaemia. Yesterday Kathleen Vitturini, 62, was jailed for six months after she pleaded guilty to wilful neglect of the patient.

After the trial at Preston Crown Court, Mr Giles's younger brother Kenneth hit out at the appalling treatment he received at the hands of untrained staff. He said: 'When a relative goes into a care home, you expect them to be cared for and looked after. 'Six months doesn't reflect the seriousness of the offence but this has sent a shot across the nursing home profession as a whole.' The court heard that Mr Giles, who was awarded the Sword of Honour during his career in the forces, was admitted to the home in 2003. Suffering from both Alzheimer's and Parkinson's as well as mental health problems, he was a challenging patient who needed conscientious care. His brother Kenneth was shocked by his rapid deterioration when he visited him in 2004 after returning from holiday. He said: 'He had lost about two stone, his tongue was black and I did a "pinch test" on his hand which showed he was dehydrated. 'Something obviously went drastically wrong.'

However staff did not think he was in a serious state of decline. His medical condition continued to deteriorate throughout September 2004 and he died the following month. Vitturini, of Thornton Cleveleys, Lancashire, was originally charged with manslaughter but this was later reduced to neglect. The court heard that she was guilty of many breaches of regulations surrounding care homes, and untrained staff were left to make their own decisions regarding the care of patients.

Andrew Moran QC, prosecuting, said: 'It is an appalling story of wilful neglect in management, assessment, admission, training, supervision, care and in the maintenance of vital records. 'All played a part in Peter Giles's death.'

Mr Moran said Vitturini had been plainly aware of his deteriorating condition in the days leading up to his death but had not taken steps to ensure he received the necessary care. The court also heard it had been wrong for social services to place him at the home as it was registered to care only for elderly residents suffering from dementia. Patrick Field QC, defending, said Vitturini was desperately sorry and did not blame anyone but herself. 'All the sins of the system cannot be heaped on to her back,' he said. 'Nobody appears to have worked out how best to deal with the difficulties created by a unique combination of problems.' Passing sentence, Mr Justice Irwin said: 'Those who wilfully neglect, with serious consequences, should expect to go to prison. That is the message that should go out.'

Kenneth Giles said: 'Peter was a very caring and affectionate person. He was a fabulous older brother. 'I don't think Kathleen Vitturini is totally responsible. I think there are other professions who need to talk to each other and get their act together.' Steve Pullan, Blackpool Council's executive director for adult social care, said: 'All councils will place people only in registered care homes which have met the standards laid down by the Commission for Social Care Inspection. 'Unfortunately this particular individual has not met these standards, with very tragic consequences.'

The Daily Mail's Dignity for the Elderly campaign has highlighted the wildly differing standards of care in nursing and residential homes across the country. Last month we revealed that thousands of dementia patients are being given dangerous anti-psychotic drugs just to keep them quiet.

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#### **Nurses and carers walk free in Newbridge case, Western Mail, 13th May 2008**

Eight nursing home workers were yesterday cleared of the wilful neglect of an 84-year-old woman at a residential home after the prosecution dropped the case. Gladys Thomas was found to be suffering from a fractured collar bone and rib, and extensive bruising, when she was admitted to hospital in October 2005. She also had a ligature mark around one of her forearms, the width of the lead of a plug. Miss Thomas had been living at the Bryngwyn Mountleigh Nursing Home in Newbridge for just over a month when her injuries were discovered by staff at the Royal Gwent Hospital, Newport. She died eight days later. After nearly three weeks of evidence at Newport Crown Court, the Crown Prosecution Service announced they would not be seeking guilty verdicts for any of the defendants. The decision allowed Evan Green, 35, of Fairwater, Cwmbran; John Sunday Ajewole, 53, of Victoria Terrace, Newbridge; Ebenezer Ajiwe, 48, of Woodland Terrace, Abercarn; Peter John Booth, 35, of Penylan Close, Newbridge; Tahir Hayat, 30, of Coldra Road, Newport; Angela Johnson, 37, of Hector Avenue, Crumlin; Shibu Joseph, 32, of Gaer Park Drive, Newport; and Debra Richards, 45, of Brynawel, Bedwas, to walk free from court.

John Barry Alder, a qualified nurse at the home, has already pleaded guilty to neglect on the basis of not administering Miss Thomas the correct medication. He will be sentenced this week. Outside court, Miss Thomas' family said they were "extremely disappointed" by the outcome. In a statement, Mervyn and Esme Williams said: "It is with deep regret but with firm belief we can say that many people who have loved ones in care homes cannot guarantee that they will be getting the proper care they should receive. It is a worry for all of us. On behalf of all these people, we are now demanding a meeting with the Care Standards Inspectorate for Wales and a member of the Welsh Assembly to raise our concerns."

During the hearing, Gerard Elias QC, prosecuting, said the Crown had weighed evidence from all sides in making its decision. "The case originally ... was suggestive of a number of separate episodes of trauma with bruising apparent within the usual time frame," he said. "The evidence and information now available suggests that it is possible that one episode of trauma caused the fractures and that the bruising is a direct result of the fractures and not of additional episodes of trauma to the body. "Further, and importantly, expert opinion cannot say when the bruising which resulted from the fractures would have become apparent as a warning sign that something was wrong internally. "Also, the 'skin deep' nature of the bruising means that, in itself, it is unlikely to have caused Gladys Thomas

any additional pain or suffering." He said they could not realistically invite a jury to conclude there had been wilful neglect.

The trial had been expected to last up to six weeks with evidence from dozens of witnesses. It came as part of a major Home Office-funded investigation in-to alleged care home abuse across South Wales called Operation Jasmine, which has 59 officers and staff dedicated to it, and is supported by a dozen public bodies including the Care and Social Services Inspectorate for Wales, the General Medical Council, the Crown Prosecution Service, the Health and Safety Executive, North Glamorgan and Gwent NHS Trusts and the Nursing and Midwifery Council. A spokesman for the CPS said: "This has been a painstaking investigation carried out in good faith. "We should make it clear that this evidence has only been available since April 2008 and as such the medical issues have changed significantly and could not have been foreseen before the start of the trial."

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### **Man charged with neglect, Manchester Evening News, 26th February 2008**

A 21-year-old man has been charged by police following reports that residents at a care home were being mistreated. Issac Sany, of Ornsay Walk, Openshaw, has been charged with offences under the Mental Capacity Act 2005. He has been charged with two counts of ill-treatment and one count of wilful neglect under section 44 of the act. He is due to appear before magistrates in Manchester on Thursday, March 6. These charges are the result of an investigation launched on Friday, December 7, 2007, which relate to the Gorton Parks Care Home.

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### **Vulnerable patients locked in car for THREE hours while carers went to the bookies, Daily Mail, 17th January 2008**

A care home boss who locked three extremely vulnerable patients in his car for three hours while he went into a betting shop has walked free from court. Chris Williams, 43, and his employee Agnes Price, 41, left the residents, who are all unable to speak, strapped into his Ford Galaxy by their seatbelts on a hot day with all the windows closed. The three men - aged 25, 45, and 56 - have severe learning difficulties, including Down's Syndrome, autism and epilepsy. They were only rescued when passers-by spotted them in a distressed state trying to get out. When police forced the doors open after three hours and 20 minutes they were hit by a "wave of heat" and found the men were dehydrated. Despite what was described as "inexcusable" behaviour, Williams was handed 300 hours of community service and Price 250 hours at Swindon Crown Court. Sentencing, Judge Douglas Field said they were "on the cusp" of going to prison as the first conviction under the new Mental Capacity Act 2005 that came into force last year. But he spared them jail sentences as they were model citizens who were both "ashamed and full of remorse". He said: "Each of you had the responsibility for the care and welfare of three men who had severe learning difficulties. They were in effect completely helpless and entirely dependent on you for all their care needs. You chose to go into a betting shop and amusement arcade, ignoring the needs of your charges and that is inexcusable. This is a very serious breach of your responsibilities. It was a warm afternoon, the vehicle was completely unventilated and these three men must have suffered very considerable stress and discomfort."

The court heard how Williams had managed Whiteman Street care home in Swindon for 13 years and Price, one of four employees, had been there eight years. The offence happened in Swindon town centre at 1pm on September 6, 2007, as the pair stopped off to visit the bank, leaving the three patients in the people carrier. But after visiting the bank they popped into a bookies and "lost track of time", the court heard. Two hours later the police received an anonymous tip-off from a member of the public that three men were shut in a car, shouting and grabbing at the doors. Claire Marlow, prosecuting, said: "It was a hot and muggy day, the windows were closed and there was no air conditioning. A member of the public dialled 999 after approximately two hours because the three men appeared to be very distressed and the windows were all steamed up. When a policeman arrived and opened the passenger door, he described being hit by a wave of heat he said was similar to coming out of a plane into a warm climate." Police arrived and released the three from the car, where passers-by fetched water and helped calm the men down.



Officers tracked down Williams and Price, who had moved from the betting shop to a nearby amusement arcade. Williams told police he thought a window was open and he left music on, but he accepted the patients were locked in with child locks and could not move. Rob Ross, defending, said the pair were "decent and caring people" who had had not intended to be cruel to the three men. He told the court the three men were supposed to be at a day centre while Williams and Price went to a bank in town, but the appointment had been cancelled. He said: "Both of these people have been involved in the care industry for a long time. Obviously neither will be able to return to that industry. They seem to be decent and caring people. Both accept that their behaviour on that particular afternoon was reprehensible. They are both genuinely upset and remorseful about what they allowed to happen." Williams and Price, who have both been sacked, each pleaded guilty to three charges of wilful neglect of a person without capacity at an earlier hearing. Williams, now a car washer, and Price, who works nights in Tesco, were both fined £125 costs. They did not comment as they left court.

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