Browne Jacobson

Care Charitable Trust fined after Resident suffers fatal fall

Nazareth Care Charitable Trust which operates a care home in Bonnyrigg, Scotland, recently received a fine after a resident at one of its care homes suffered a fatal injury after falling down a flight of stairs.

📅 03 December 2019

Nazareth Care Charitable Trust which operates a care home in Bonnyrigg, Scotland, recently received a fine after a resident at one of its care homes suffered a fatal injury after falling down a flight of stairs.

On 16 May 2017, 87 year old Shelia Whitehead, a resident at the care home fell down a flight of stairs. She suffered a fractured skull and subdural haemorrhage and later died from her injuries.

The Health and Safety Executive undertook an investigation and found that there was a failure to implement adequate measures to control the risk of residents falling down the stairs. The Health and Safety Executive also found there was a lack of an effective physical barrier by the stairs.

The Trust pleaded guilty to section 33 of the Health and Safety at Work Act 1974. Sheriff Thomas Welsh QC imposed a fine of £40,000 for the serious health and safety breach.

The family are disappointed at the low level of the fine imposed and have queried why a charitable trust operating care homes should be held to a different standard to private companies (where a higher fine might be imposed).

Undertaking thorough risk assessments and putting in place effective preventative measures are the best ways for care homes to ensure that health and safety obligations are not breached and, as far as is practicably possible, residents are protected from injuries.

It is recommended that regular internal health and safety assessments are undertaken by the operators of care homes so that the right measures can be put in place to ensure residents safety.

Contact

Rebecca Hawes

Associate

rebecca.hawes@brownejacobson.com

+44 (0)330 045 2466

Related expertise

Criminal compliance and regulatory

Health and safety