



SUBJECT: Care Home Prosecution

RECIPIENTS: Adult Care and Care Homes

ISSUE DATE: **REF:**
May 2014 HSB36

Manchester care home in court over vulnerable resident's injuries

A Manchester care home has been fined for safety failings after a vulnerable resident was badly injured when he fell from a first floor window.

The privately-run Nada Residential and Nursing Home was prosecuted by the Health and Safety Executive (HSE) following the incident at its premises on Cheetham Hill Road on 1 December 2012.

Trafford Magistrates' Court today (2 May 2014) heard the 63-year-old man, who suffers from dementia, was found on the ground under his bedroom window with fractures to his leg, knee and back. He told staff he had wanted to get some fresh air.

The court was told the risk of patients falling from open windows was well known in the care home sector, and restrictors should have been fitted to the windows to prevent them from opening more than ten centimetres.

The HSE investigation found the care home had failed to properly assess the risk of residents falling from windows, or take suitable action to prevent this from happening.

Nada Residential and Nursing Home was fined £8,000 and ordered to pay prosecution costs of £597 after pleading guilty to single breaches of the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work etc Act 1974.

Speaking after the hearing, HSE Inspector Lorna Sherlock said:

"The care home looks after people with dementia or mental health conditions and so many of its residents are particularly vulnerable.

"The 63-year-old man was badly injured in the fall but it could easily have been much worse. It simply should not have been possible for him to be able to push open his bedroom window to a point where there was a risk of him falling out.

"Nada has now fitted restrictors to all of its windows to stop them opening more than a few centimetres. If these had been in place at the time of the incident then the resident's injuries could have been avoided."

If you require further assistance or clarification on the subject please contact:

alison.gibson@lincolnshire.gov.uk Corporate Back Care Advisor or
fraser.shooter@lincolnshire.gov.uk Corporate H&S Advisor