



COMPASSION IN CARE

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CARE HOME EVICTIONS & BANS or RESTRICTIONS ON VISITS

A Report by Eileen Chubb
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This report is a review of **only the first 400 cases** who contacted Compassion In Care's helpline about care homes at which relatives who had raised concerns were subject to eviction notices or visiting restrictions. Many more cases of this "[relative retribution](#)"ⁱ from our helpline callers will be analysed in future reports. We have been documenting our callers' cases since 2004 and all follow the same pattern. The cases fall into two main categories:

Category One

This category involved the majority of cases - total **287**

Eviction notices served	287
Evictions carried out	33
Eviction not carried out	254
Visiting bans or restrictions	254 (ie the same 254 cases)

From this group of 254, in 161 cases the relative felt forced to move the resident to another home due to loss of trust so in effect the eviction was brought about by this indirect means.

In the remaining 93 cases the resident had either died before a new home could be found or was too ill to be moved.

In the 287 cases above, the eviction was stated to be on the grounds of "[no longer being able to meet needs](#)"ⁱⁱⁱ. This pattern has emerged because it is easier and faster to evict the resident than to restrict visits, so in the majority of cases our evidence shows that this is the first tactic used against complainants.

Banning or restricting visits usually comes as "Method 2" because it takes the care

home time to organise false allegations of risk to justify restriction. The fact that they are doing this shows that this is not about housing rights, it is a culture.

My fear is that if homes could not use “Method 1” eviction, they will go direct to Method 2 which is even more distressing and destructive, by fabricating false evidence against relatives in order to justify restricting visits. This has even resulted in innocent relatives spending hours in police cells.

Housing law amendments would not work in a care environment for vulnerable people because the home always holds the power to issue safeguarding alerts with which they can justify restrictions.

[George Rousell’s case](#)ⁱⁱⁱ is typical of this Category One type. George visited his wife every day for five years and was happy with the care. New staff came to work at the home and when certain of these new staff members were on duty George would find his beloved wife Brenda, neglected and distressed, sometimes she had pillows near her face or had slid down the bed. George reported these events.

This resulted in an eviction notice being served on Brenda who was in the last months of her life and could not face being moved. Around this time another resident was found dead with a pillow over her face and the home was subject to a degree of publicity. George refused to move his wife and the eviction notice was withdrawn. Instead George was then subjected to visiting restrictions that took away precious time with his wife who cried every time George was forced to leave her. Brenda has since died.

Category Two

The remaining **113** cases did not involve eviction but did involve visiting bans or restrictions.

Mrs R is a typical case. She has a son with severe physical and mental disabilities resident in a care setting. Mrs R raised some concerns about her son’s personal care and found herself in a position where she discovered evidence was being fabricated against her in an attempt to stop her having contact with her son. The false allegation was completely discredited but only after a long and distressing fight by Mrs R.

Mrs R is now trying to find a new home for her son as she feels unable to trust her son’s care to **people who fabricated evidence for improper motives, and who are still in their jobs without penalty.**

Of The **113** cases in this category **81** resulted in the relatives feeling they had no other choice but to move the resident to another home as a result of loss of trust. The remaining **32** are in the process of trying to find another home.

We advise people who contact us to obtain copies of all records that relate to accusations against the relative. Only on obtaining these records do they discover for the first time what the allegations are against them. **In all 113 cases these allegations have subsequently been discredited.**

Conclusion:

Discussions about housing law may be well-intentioned by some but they serve only to distract attention from solving the core problem.

Any solution must look at the evidence and needs to consider whether the problem is a matter of housing rights or is it something deeper, ie the culture and lack of accountability in some parts of the care sector? **There may be some in positions of power in the care sector who might advocate amendments to housing law as a solution, but their motive would be only to distract public attention from the true issues which reflect badly on the care sector.**

Fabrication of false evidence against relatives was one of the disclosures made in the first whistleblowing case to use the Public Interest Disclosure Act (BUPA7). This indicates that Staff **are** willing to come forward on these matters and reinforces the need for legal protection for workers which only [Edna's Law](#)^{iv} can provide.

Edna's Law would deal with the care issues and by doing so would ultimately protect the relatives as well, because relatives also need to be able to raise concerns without fear of retribution.

When relatives call our helpline about eviction notices, we try to prepare them for the strong likelihood of Method 2 banning or visiting restrictions being used against them next. In the words of one caller (which is a typical reaction) ***“Oh my God, that would be a hundred times worse”***.

We know from our callers how desperate relatives are for an answer and we want it to be the right answer which addresses the true problem, rather than one which would result in even more anguish for them and their loved ones.

Eileen Chubb
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ⁱ <http://www.compassionincare.com/node/216>

ⁱⁱ <http://www.compassionincare.com/node/278>

ⁱⁱⁱ <https://www.rt.com/uk/325083-bupa-abuse-sidcup-rousell/>

^{iv} <http://www.thewhistler.org/edna-s-law.html>