

Care home company fined after resident choked to death

HC-One Limited has been fined following an incident when a resident choked to death on a jam doughnut.

Falkirk Sheriff Court heard that, on 7 August 2019, a resident of Orchard Care Home, Lychgate Road, Tullibody, was given a piece of jam doughnut to eat. The resident had previously suffered from a stroke and had been diagnosed with dementia. She had been assessed as being at high risk of choking and consequently was on a 'minced and moist/fork mashable' diet. A jam doughnut is unsuitable for someone on this diet and should not have been given to her. She died as a result of choking on the doughnut.

An investigation by the Health and Safety Executive (HSE) found that staff who gave out snacks at Orchard Care Home had not been properly trained and did not have awareness of food that was suitable for each diet. They regularly gave this resident food, which was not suitable for her diet, in breach of their own risk assessment.

HC-One Limited of Southgate House, Archer Street, Darlington, County Durham DL3 6AH pleaded guilty to breaching the Health and Safety at Work etc. Act 1974, Section 3(1) and Section 33(1)(a) and were fined £640,000.

After the hearing, HSE inspector, Allison Aitken said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working

"If a suitable training had been in place prior to the incident, the sad death of a resident could have been avoided."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at [http://press.hse.gov.uk](https://www.hse.gov.uk/press/)