

Care home fined after resident choked to death on meal

- Resident died after being served food that did not meet his documented swallowing requirements.
- HSE investigation found a failure in the system of work for preparing and serving modified meals.
- Thomas Telford had a well-documented history of dysphagia and was at high risk of choking.

A care home company has been fined after a resident choked to death on food that had not been prepared in accordance with his dietary requirements at a Selkirk care home.

Selkirk Sheriff Court heard that on 25 May 2023, Thomas Telford, known as Barry, aged 86, choked during lunch at Riverside Healthcare Centre, Bridge Street, Selkirk. Mr Telford had been a resident at the home since 9 May 2023, having been admitted directly from Kelso Community Hospital.

He had a complex medical and a well-documented history of dysphagia – difficulty swallowing – that had been identified as far back as November 2019.

Mr Telford had been assessed as requiring a Level 5 (minced and moist) diet under the International Dysphagia Diet Standardisation Initiative (IDDSI), meaning all food should be minced into small moist pieces no greater than 15mm in length and 4mm wide. His care plan also required that he be supervised at mealtimes due to his tendency to overfill his mouth and eat quickly, and he had been identified as being at high risk of choking.

At lunchtime on 25 May 2023, Mr Telford was served a meal of beef, mashed potato and cabbage. The beef served to him had not been prepared in accordance with his Level 5 dietary requirements. A carer supervising the dining room noticed his lips turning blue and immediately raised the alarm. Backslaps and abdominal thrusts were administered, and an ambulance was called. He was pronounced dead at Borders General Hospital at 14:00 hours.

An investigation by the Health and Safety Executive (HSE) found that Riverside Care Limited had failed to ensure a sufficiently robust system of work for the preparation and serving of texture-modified meals. Whilst the home operated a broadly suitable system of serving either normal or modified meals, and staff had received training on dysphagia and the IDDSI framework, that system had failed on the day in question. As a result, Mr Telford was served food that was not safe for him to consume.

Employers providing care to individuals with swallowing difficulties must ensure that systems for preparing and serving texture-modified diets are sufficiently robust to guarantee that only appropriate food is served to those who require it, at every mealtime without exception.

HSE provides extensive [guidance](#) intended to help those providing and managing care homes – to give them a better understanding of the real risks and how to manage them effectively.

On Tuesday 3 March 2026, Riverside Care Limited, of Bridge Street, Selkirk, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £16,000 at Selkirk Sheriff Court.

After the hearing, HSE Inspector Robbie Morrison, said:

“Mr Telford’s need for a texture-modified diet was well documented and well known to those caring for him. He had a history of dysphagia and had been clearly identified as being at high risk of choking.

“Employers have a duty to ensure that the systems they put in place to protect the people in their care are robust enough to work consistently and without fail. In this case, that system was not sufficiently robust, and the consequences were fatal.

“This was a tragic and entirely preventable death. We hope this case serves as a reminder to all care providers of their responsibility to ensure that residents with complex dietary needs receive only food that is safe for them.”

Further information:

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Guidance on health and safety in care homes can be found here: [Health and safety in care homes – HSE](#)
5. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).