

Dear Ms C [REDACTED],

Thank you for your letter of 17<sup>th</sup> October 2016.

I have chosen to reply to your emailed response in the same manner and with consideration of existing and new information.

1. Your allegation that I agreed to the time frame of 1.30-3pm is untrue. I agreed with Ms G [REDACTED] during a previous phone call that we would start the meeting at 13:00. From my record of the meeting of 31<sup>st</sup> August 2016, there was no agreement of time span for “the event” or meeting of 14<sup>th</sup> September with me other than I had to leave by 16:00 pm. Our agreed start was 13:00 pm which was delayed by Ms G [REDACTED]; I recall having to wait in the lobby of Nelson House for 20 minutes before the first meeting with her and a similar length of time during the second meeting.  
The failure to effectively prioritise and manage diary appointments is not a fault of mine. Further, it is not a matter of how I feel, but one of the fact that the meeting ended while concerns including indications of organisational and institutional abuse remained unaddressed. Although I agree further ongoing discussion is needed, after the point of failure it is the obligation of the local authorities staff to address the reported concerns.  
The focus of the meeting was to address the particular points I raised on behalf of my brother, and for those present to have the opportunity to rectifying the poor care and support provided to my brother, much was left unsatisfactorily answered. I question the neglect to address concerns I raised regarding my brother, including the documented medication misuse, which I am aware is a criminal offence under The Offences Against The Person Act 1861, and which I quoted the specific legislation of such. I further question why this was not reported further by any “Professional” present at the meeting of 14<sup>th</sup>. After I had quoted a particular section of The Medicine Act of 1968, It was implied by a Craegmoor Priory employee that the Act only applied to care homes and the administration of medication; this too was not followed up by your social worker or the provided advocate.  
I can only speculate that you believe it to be an acceptable level of service and duty of care.
2. You state that you have evidence, I therefore request a copy of this.  
I fail to understand your thinking as to why the failure by those involved in my brother’s care and support should not be held accountable. I do not recall ever being in a meeting where the chair did not have a straightforward role. I did not have the opportunity to satisfactorily address concerns on my brother’s behalf at either meeting, in part due to the impartiality of the chair. I request to know who has reported the indications of abuse and omission?
3. Ms G [REDACTED] informed me that the meeting was being held in D [REDACTED]’s best interests, The phrase “best interests” being used multiple times during both meetings.
4. I take issue that you state I had an earlier conversation regarding the recording of minutes of the meeting, such did not occur. I did, however, email Ms G [REDACTED] to request a list of people

attending the meeting; this has to date not been read. Further, I also emailed Ms G [REDACTED] stating. "I request that minutes of the meeting are recorded and following the meeting a draft of those minutes be circulated to all present for initial consideration before final approval. Where one or more person does not agree on any particular item within the minutes, that disagreement should be recorded in the final version to avoid misunderstanding and possible future redress." This email read on 14<sup>th</sup> September by the recipient but left un-responded. At the meeting, I requested once more that the minutes be recorded, to which MS G [REDACTED] replied that minutes were not needed as her notes were good enough.

As to the guidelines for the meeting, I suggest that The Mental Capacity Act 2005 is followed, especially when it involves a protected party such as my brother. I have received a copy of Ms G [REDACTED]'s report but not the notes of and for the meeting that I requested, I, therefore, request these once more.

You state "Having seen the typed notes from the social worker I can see that these have all been addressed." I challenge your statement as these have not all been addressed. A particular agreement at the meeting changed after I left, and my concerns of the indications of omission and abuse have been neglected. I request to know if you have reported them and if so to whom or where?

5. I inform you that it was Ms G [REDACTED] who demanded that the meeting could not be recorded. H [REDACTED] House representatives did initially not want to be recorded, but once they had made a phone call for confirmation of legality they, although reluctant, did not refuse the recording of the meeting. From my record, the advocate present similarly did not have issue with the recording of the meeting. However, Ms G [REDACTED] was greatly concerned and left the room to seek counsel with her manager, on her return she said that the meeting could not go ahead as Ms B [REDACTED] W [REDACTED] informed her that the recording of the meeting was not permitted. Before we proceeded, Ms G [REDACTED] demanded that I turn off one of my mobile phones, only allowing it to remain on after being checked it was not recording by the provided advocate. You may not feel that this decision contravened my brother's best interests, but I do; This also denying my brother and me of a truly accurate record. The opportunity of having an exact copy of the recording of the meeting was offered to all present and declined.

The notes that you refer to appear to be cut and pasted from a collection of historical documents and have addressed limited concerns I raised, which has facilitated further abuse and breach of my brother's human rights.

6. I did indeed raise the concern of the injury to my brother's ankle, and why it was neglected by the management of H [REDACTED] House to seek medical intervention for two days. The injury culminating in an overnight stay at W [REDACTED] hospital, his family not informed due to the home claiming to have inaccurate records for family contact.

I further questioned why my brother now requires a wheelchair for mobility and assistance to rise from a sitting position from a chair; provided with a poor response from Mr G [REDACTED].

I make you aware that Mr G [REDACTED] was not the manager at the time of the neglect of my brother's injury. However, he becoming aware of the incident and neglected his legal duty to report a concern. The organisation employed both Ms S [REDACTED] and P [REDACTED] at the time of the injury to my

brother's ankle, as was Ms M [REDACTED] the person who inaccurately recorded information. I noted your colleague neglected to adequately question any person present concerning the damage to my brother's ankle.

7. I did indeed report the provider's failure to ensure arrangements were in place for the administration of medication and their neglect to comply with The Medicine Act 1968. I possess evidence of more than one occasion where medication was wrongly given for a length of time to my brother, and documented evidence that drugs were used for non-therapeutic purposes, which is a criminal offence under The Offences Against the Person Act 1861. All those present including your colleague were made aware of this yet did nothing. Ms G [REDACTED] was made aware, at the first meeting of 31<sup>st</sup> August that I could not legally administer my brother's medication due to The Medicine Act 1968. I required this to be formalised to do so, she did not assist in providing this and has not done so since the meeting of 14<sup>th</sup> September. Nor has she questioned the neglect by the provider to return to administer the claimed critical medication. In addition, I did not state to the staff at my brother's placement that I was not comfortable in administering Gaviscon and Buscopan to my brother, I said I was not legally or ethically able to administer drugs without formal consent from his doctor. You will note the use of Buscopan and contradiction in Ms G [REDACTED]'s care review paperwork. You will take note that I have recently spoken to a G.P. at my brother's doctor's practice who informed me that your comments in section 7 & 8 are false, which would indicate that Ms G [REDACTED]'s comments in the care review and those present at the meeting are untrue. I believe Ms G [REDACTED] owes my brother, his doctors and me an apology for making such an allegation, as do you for not adequately investigating.

8. I am currently investigating and making further enquiries as to the probity of these claims.

9. Your poor understanding of The Human Rights Act and The Data Protection Act is a concern. I repeat, The Data Protection Act 1998 does not prevent parents or family members recording meetings. It was designed to apply to organisations processing data, not individuals, particularly if the data is collected for personal use. Ms G [REDACTED] chaired a meeting where her personal data and those of other attendees was not being shared.

Under The Data Protection Act 1998 Section 36, Personal data processed by an individual only for the purposes of that individual's personal, family or household affairs (including recreational purposes) are exempt from the data protection principles and the provisions of Parts II and III." Section 36 can't be used by organisations which process personal data.

The Data Protection Act 1998. Does not prohibit covert recordings for personal or family use.

Further, Regulation of The Investigatory Powers Act 2000 applies to surveillance by public bodies and to their accessing personal electronic communications. It does not prohibit or regulate covert recording by private individuals.

When it comes to your statement of matters of human rights, I again make you aware that the social worker, as an agent of the state, owes a professional duty to the family and must act with a respect for the rights of privacy, family life and expression. Article 8 of The Human Rights Act does not apply to your colleague, her manager or those that attended the meeting as they are attending the meeting in a professional capacity and not as a private individual.

For your reference the exact legislation of Article 8 of The Human rights Act states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

I did indeed raise concern over past information missing/deleted on the care system, which I again confirm is questionable. I speculate you are not aware of the full information and evidence of that case; where an important piece of data provided was ignored.

Regarding your address of the three other points raised, I reply as below:

1. Once more I make you aware that the person attending the meeting who did not wish to be recorded was your colleague Ms G [REDACTED].
2. This point was not an enquiry it was a request for specific legislation to be provided. As no such legislation currently exists, I believe your response displays the poor knowledge of those that should be aware of certain and current laws.
3. From your statement, I understand that no written policy for vulnerable adults or protected parties exists. In my opinion, with such not existing there is no defence for not allowing a recording of our meeting to take place. The quoting of the Children's Social Care is irrelevant in my brother's case.

Lastly, I have received an email containing a document named "access\_to\_information\_policy\_Oct\_15.pdf", I assume this is the document you refer to?

I request to know what involvement S. H [REDACTED] has in these particular concern, and what other data they may have had access to?

Sincerely

C [REDACTED] B [REDACTED]