



Mr Thomas R Osborne  
HM Senior Coroner  
The Court House  
Woburn Street  
Amphill  
Bedfordshire MK45 2HX

Your ref: [REDACTED]  
Our ref: [REDACTED]  
Date: 12<sup>th</sup> March 2015

Dear Mr Osborne

**Inquest touching the death of Margaret Emily Flemming**

Thank you for your letter dated 30<sup>th</sup> January 2015. I will respond to the concerns in Section 5 'Coroners Concerns' of your Regulation 28 Report in turn:

1. **Deprivation of Liberty Safeguards (DoLS):** urgent and standard authorisation requests were received by the Council from Carrington House care home on 8<sup>th</sup> October 2014. The reason for the requests was that Mrs Flemming lacked the option to leave the care setting and required continuous supervision and control. You expressed your concern that the Best Interests Assessment did not take place until 7<sup>th</sup> January 2015 and you felt that the deceased remained vulnerable during this time.

Since March 2014, the Council has adopted a risk based approach, prioritising DoLS assessments on the basis of risk of harm to the person concerned, and using a waiting list for those assessed as low risk. As there was no indication of concern with Mrs Flemming's care package, no concerns raised by her family, and no indication of undue or excessive physical or medical restraint being used, the request relating to Mrs Flemming was assessed as low risk. Because of this, it meant that Mrs Flemming's Best Interests Assessment did not take place until 9<sup>th</sup> January 2015. The outcome of this was that restrictions amounting to continuous supervision and control had been in place for frequent and prolonged periods since Mrs Flemming's admission on 22<sup>nd</sup> May 2009, she was not free to leave, and the placement was in her best Interests. No changes to the care plan (conditions) were recommended as a result of the assessment.

Cont/2....

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2. Whilst the Council acknowledges that Mrs Flemming did not receive a DoLS assessment within the timescales prescribed by law, we are satisfied that the care being provided to her during that time was appropriate and in her best interests. An annual review of her care package had been conducted by a social worker on 29<sup>th</sup> September 2014 and Best Interests Assessment on 9<sup>th</sup> January 2015. During this period there were no reports to the Council that the care home was unable to meet Mrs Flemming's needs.

The Council has adopted the prioritisation approach and waiting list as a temporary measure, in order to be able to respond to the ten fold increase in DoLS activity. Part of the strategy to respond to this increase has been to recruit temporary qualified staff, and train additional staff to perform the Best Interests Assessor function. The Council is maintaining its investment in these staff to deal with the increase in activity.

Whilst the waiting list is reducing (from 237 in January to 209 in February) this is not a position the Council wishes to maintain. We are currently in the process of procuring external specialist support to undertake all of the assessments on the waiting list.

If you wish to discuss this matter further, please contact [REDACTED] Director of Social Care, Health and Housing [REDACTED] and [REDACTED] Head of Quality Improvement & Safeguarding

[REDACTED]. I think it would be helpful for there to be a discussion about your comments that action should be taken to prevent future deaths. It would appear that Mrs Flemming's death was due to bronchopneumonia and End Stage Senile Dementia.

Yours sincerely

[REDACTED]

Richard Carr  
Chief Executive

Direct telephone [REDACTED]

Email [REDACTED]

CC [REDACTED] Director of Social Care, Health & Housing  
[REDACTED] Head of Safeguarding & Quality Improvement

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