

Once again I find I am having to address a spurious and biased DoLS assessment form.

The factually inaccurate or untrue information details on form 3 of the DoLS assessment are detailed below. Some of the DoLS assessment which appears to be cut and paste.

Of equal concern is that Mr S [REDACTED] signed off form 5 of the authorisation without first checking the accuracy or truthfulness of the document.

Page 1

Full name of the person being assessed is incorrect. As stated on my brother's birth certificate his full name is D [REDACTED] [REDACTED]

Page 2

Relationships should be clearly defined

I am in relation to the person being assessed, their adoptive brother or stepbrother as are his sisters, although I am next of kin after his mother.

Ms S [REDACTED] M [REDACTED] connection to the person being assessed is not sister, but adoptive sister or stepsister.

Similarly, Mr J [REDACTED] C [REDACTED] is not a foster sister, but an adoptive sister or stepsister.

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Records previously reported, remain inaccurate as of [REDACTED]-02-2018

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Paragraph 8, Quote: I am aware that he has very limited verbal communication and answers yes to every question.

This statement conflict with the questioning methods used throughout the assessment.

Quote: I did not wish to cause Mr B [REDACTED] distress by asking him questions which I knew he would not be able to understand and instead I structured the questions in such a way that he would be able to answer yes or no.

Quote: For instance when asked tea or coffee, he would answer "coffee" but this does not necessarily means he likes coffee.

Inaccurate, anyone who is able to communicate with my brother and distinguish his speech or inflexions can identify the difference between his response being a

choice or echolalia. When I have asked my brother this question, he will choose the drink he prefers at that time, and not merely respond with the last word said.

The managing Authority are aware, and have been for a long time, that my brother has a dislike of responding with the answer no to most people.

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Stage Two: function test

a. The person is unable to understand the information relevant to the decision

Quote: During the assessment I asked Mr B [REDACTED] if he is happy for me to have a chat with him and he replied yes.

The DoLS assessor directed my brother's response, knowing he would most likely say yes to an unfamiliar person.

Quote: I asked if he was happy at the home or not and he replied yes. I changed the question and asked if he was happy or not to be at H [REDACTED] House, again Mr B [REDACTED] replied yes.

The first question regarding H [REDACTED] House was not changed, it is the same question restructured for the same response.

Paragraphs three through seven

The assessor uses unfamiliar words to get the response desired, asking the same question in no different way or a way that can be communicated or understood by my brother, using the words "stay" or "leave" knowing my brother always says "stay"

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b. The person is unable to retain the information relevant to decisions

Paragraph 1

Assessor unable to establish accurately my brother's

Contradicts Page 5 observations

Paragraph 2 to 4

Assessor confirms they cannot ascertain my brother's decision, nor effectively communicate with my brother.

d. The person is unable to communicate their decision (whether by talking, using sign language or any other means)

A fault of the assessor's ability to effectively communicate with my brother, and conflicting with the next statement made by the assessor.

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BACKGROUND INFORMATION

Paragraph 2

The statement he has been diagnosed with Autism is misleading and should read he was diagnosed with Autism at the age of [REDACTED] months.

Paragraph 3 to 10

All placements selected by the local authority alone have failed, with his care needs being either neglected or refused since 2011 under Herefordshire Councils care, which continues to date. Often left to suffer with pain or discomfort.

A best interests meeting has already been held during July 2017, it was unanimously agreed by all present that H [REDACTED] House was not suitable for my brother. My brother's RPR declined attending the meeting, as did his G.P.; both claiming to have provided satisfactory contribution to the best interests meeting held in July 2017.

The minutes of this meeting were recorded by both H [REDACTED] Council and my solicitor.

It is also notable that the assessor is clearly making attempt to keep my brother in an unsuitable home provided with inadequate care and support. The assessor states "the Managing Authority who knows and understands Mr B [REDACTED]'s care better." I firmly believe I can evidence such statement to be untrue, given the opportunity in a court.

Regarding the statement of demonstrating how my brother's needs are being met at H [REDACTED] House, I can provide evidence that such continues to be untrue.

In regard to any communication channel breaking down, such is not a fault of my brother, mother or I, but due to the wilful ignorance and lack of support provided to my brother and family by local authority staff, they having the provider interests as the primary priority and not that of my brother, as can be evidenced in records, with the recent imposition of an authoritarian policy by Mr S [REDACTED] (director for Adults and Wellbeing) hampering our statutory rights.

Further, Herefordshire Council have in the past interfered with our statutory rights and continue to do so.

The communication breakdown regarding H [REDACTED] House has been since November 2015, and not recent. Since this time there had been no attempt by the local authority to support my brother or family until late 2017, which subsequently diminished. The provider taking priority over our rights, evident in documents.

Further, there have been threats issued to me by staff of Herefordshire Council and Gloucestershire Council, again evident in records, and allegations made against me with written refusal to provide evidence of such to me.

From my records, and speaking with those that attended the best interest meeting of July 2017, there has been no change to the decision, nor was I invited to any such meeting in October 2017, or consulted as an interested party in the health and welfare of my brother, nor as unpaid carer. Nor was his care act advocate.

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Speech and language therapy since being placed under Herefordshire Councils care has never been consistently provided, only recurring referrals. Such has had a notable detrimental effect on my brother over the past six years of being under Herefordshire Councils care.

Only after I intervened, once again, and raised the neglect to provide a holiday or break for my brother under The Chronically Sick and Disabled Persons Act was a rushed short break arranged; the first in the years that my brother has been under Herefordshire Councils care or that of The Priory Group. Further, I possess evidence that my brother's wishes were ignored regarding said short break.

Most concerning is my brother remains severely overweight, losing approximately █ kg in eighteen months, not receiving adequate treatment or support.

The assessor's assumption that my brother receives 1:1 care for 10 hours per day is incorrect, as reported by the provider's staff during the meeting held in September 2016 and where the former social worker EG took no issue with payment for care and support not provided.

Medication was an issue to be discussed between me and Dr K █, at a later date, as agreed in the meeting of July 2017.

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VIEWS OF THE RELEVANT PERSON

Since being institutionalised at H █ House my brother's emotions have become suppressed and controlled, this is evident in at least one document showing D █ was used to control behaviour in the past, a criminal offence that was ignored by provider and Herefordshire Council. My brother now appears to struggle with expressing his emotion freely, something he has always been allowed to do. He will usually only express satisfaction with individuals who he is not familiar with.

Notably the assessment states I continue to identify concerns. Recurring and continuing concerns are often not addressed until I intervene, often being prolonged due to the lack of support provided.

Further, the views of all parties have not been included in the assessment, since the best interests assessment held in July 2017.

Of concern is the untrue statement by staff that he uses his computer. Since staff damaged my brother's desktop pc in September 2017 he has not used had his computer. Although his computer has been repaired and rebuilt the provider have not contact me to arrange for its return.

VIEWS OF OTHERS

MR Christopher Bury - Brother

Paragraph 1

True, I have raised concerns of recurring and ongoing incidents, some are not "almost the same concerns as he did in the previous assessment" but are the same recurring or ongoing concerns. Particularly in regard to severe and unlawful restrictions imposed on my brother and recurring neglect of my brother's health and welfare.

Regarding the mobile phone, it was not given to my brother, he is borrowing it, and until the time I request that it is returned it remains for his sole use only, clear instructions were given to the provider regarding this and ignored.

I note the provider has given a second story relating to why the phone was taken off my brother and locked away, denying him access to it. The provider has refused to provide any factual evidence to support either of their stories and allegations, my brother now denied of our chosen contact method for five months.

Untrue, I did not state I had a tracker on the phone, I did however say I know when the phone is turned on and off deliberately.

It is true that I have noted no improvement to the quality, care or support of the service provided to my brother, in fact supporting evidence can substantiate such.

Regarding the statement "He concluded that he is no longer allowed to email anyone in Herefordshire Council and that he must channel all his emails to Assistant Director Stephen Vickers, therefore he cannot email me his concerns like he did previously."

True, since Mr Samuels (Director for Adults and Wellbeing) severely restricted communication, removing the permitted contacts from support and later enforcing vetting and blocking of communications, severely delaying and hampering, not only my brother's care and support concerns but the service provided to our frail elderly mother and me as an unpaid carer; as Mr Samuels threatened adverse service would be employed in his letter to me in November 2017.

Having read Mr K [REDACTED]'s comments, I have concern as to why he states there are no physical health concerns. Dr K [REDACTED] was made aware at the best interest meeting in July 2017 that my brother will not say no to most people. Dr K [REDACTED] was misled by staff of the home in the previous assessment.

I requested to meet with Dr K [REDACTED] in July 2017, but this has not been possible due to the vetting and blocking of communication.

T [REDACTED] C [REDACTED] – Paid RPR

Ms C [REDACTED] declined to attend the best interests meeting in July 2017, where it was decided by all present it, was not in my brother's best interests to remain at H [REDACTED] House and a move to a better placement was agreed. If Ms C [REDACTED] had attended the best interests meeting she would have noted the benefits and burdens were addressed and a move to satisfactory accommodation was agreed.

In the thirteen months Ms C [REDACTED] has been employed as a paid representative she has not made regular contact with my brother, evident in documents, causing a long delay to any legal challenge. An RPR should have regular contact at least once a month with the deprived person, as stated in guidance, further infrequent contact can jeopardise appeal to The Court of Protection for the person deprived of their liberty.

As I have informed Ms C [REDACTED], case law shows a lack of capacity to consent or object to living arrangements cannot itself create a deprivation of liberty.

Ms C [REDACTED] has caused a long delay to the satisfactory care and support of my brother, and similarly in her own statement has caused a lengthy delay to address my brother's statutory rights. Her support for the provider in denying my brother of the phone he borrowed last year is evident, only suggesting a replacement mobile phone and laptop be provided to my brother without any factual evidence of why the phone was taken off my brother nor why there has been no request to return his repaired PC.

The provider has refused to give any factual evidence to me to substantiate their claims for either version of the story given for removing the phone.

Ms C [REDACTED]'s absolute lack of understanding of my brother's communication and computer skills and needs is also evident, suggesting he has a laptop, rather than his repaired PC returned, which was damaged at the home in September 2017, nor why insurance claim details were not provided for repair of his system.

Of particular concern is Ms C [REDACTED]'s neglect of my brother's mandatory right, ignorance of health issue, and her wish to continue current restrictions of contact with family.

A [REDACTED] Warmer (Should be spelled A [REDACTED] W [REDACTED])

Ms W [REDACTED] has a severe lack of knowledge in regard to my brother's choice of response phrases.

Regarding calls from my brother to me and our mother, the removal of the phone which was setup for the purpose of regular contact, and without severe restriction of a single short call on a Sunday, calls from the home's number are not of acceptable quality or provide privacy. I have informed staff of both The Priory Group and Herefordshire Council how we wished to remain in contact, which to date remains ignored and I understand unlawfully restricted.

I have asked the provider, under The Data Protection Act to provide all telephone call logs upto April 2017, these have not been provided and I would now like these logs to be provided, including up to the date of April 24th 2018.

The home are not meeting my brother's needs, in regard to a mandatory right, and although it states support plans are detailed, I am aware such contain concerning erroneous and missing detail.

As an interested party and unpaid carer, I take issue with the claim that all restrictions are for my brother's best interest.

Mr A [REDACTED] W [REDACTED] – Keyworker

It is noted that my concerns are claimed to be resolved yet are not, I having to intervene once again to address the condition of my brother's toenails and foot.

Further, communications issues have not arisen they have been severely restricted by the provider and Herefordshire Council since 2016, when agreement at the meeting of September 2016 was broken by the provider, and since November 2017 the mobile phone my brother had for contact with his family has been taken away.

The second version of explanation for taking the phone from my brother and keeping it from his access conflicts with the documented first version and recorded video.

The comments of home visits are mostly false. I can provide documents and recordings to substantiate my claims regarding paragraph three of Mr W [REDACTED]'s comments. MY brother did stay during Christmas 2017, However as CCTV and a private carer can verify my brother had to reluctantly return to H [REDACTED] House early due to me becoming ill with a stomach and vomiting bug. The carer contacted J [REDACTED] (sister) who at first said she would come and care for our mother while I was ill, but then phoned back minutes later stating she had changed her mind and would not be coming to help mum.

In regard to another family home visit being arranged but cancelled. My sisters have not, in the seven years my brother has been in care, been involved with arrangements for family home visits nor supported us with such. I take issue that

my personal health concerns have been shared with other parties without my consent.

In regard to a second visit taking place and my wishes to see staff members of Hamilton House, this is untrue, I asked for my brother to be dropped off by H [REDACTED] House staff at E [REDACTED] House where his social worker could meet him and where I could pick my brother up from, the visit did not take place as the social worker was unable to meet my brother on the chosen day at E [REDACTED] House.

I later requested another day where my brother could be dropped off by H [REDACTED] House staff at E [REDACTED] House, where a social worker or member of Herefordshire council staff could greet my brother and wait while I came to pick him up. The social worker and I arranged an alternative meeting place for my brother and I, The C [REDACTED], later I received a call stating Ms J [REDACTED] S [REDACTED] had told the social worker I could not meet my brother at the chosen location, interfering with our statutory rights, saying I had to pick my brother up from H [REDACTED] House or allow H [REDACTED] House staff to drop him at our property, the much overdue family home visit could not take place due to Ms S [REDACTED] interference. Evident in phone recordings.

I would like to see all data referring to me where it states I am unable to care for my brother at home and a carer is required during a family home visit. However, I have asked for needed care to help me with some tasks with or for my brother, this was initially refused and I was provided with only one hour support per day for a two day period while my brother stayed for four days.

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Mrs S [REDACTED] M [REDACTED] (sister)

No comments to make.

J [REDACTED] C [REDACTED] (Foster sister)

Ms J [REDACTED] C [REDACTED] is an adoptive sister or stepsister. Further it states she has not seen my brother for eight months.

S [REDACTED] B [REDACTED] and R [REDACTED] C [REDACTED] – Allocated Social Workers

It was agreed at the best interest meeting of July 2017 that H [REDACTED] House was not suitable for my brother and he would move back closer to his family, this both the local authority and my solicitor recorded.

I duly note an eleven month delay in the proposed review meeting, with a now suggested second best interests meeting proposed. Since this time, prospective

placements have been identified but missed; possibly due to the priority of my brother's case being de-prioritised, delaying progress.

Dr P [REDACTED] P [REDACTED] – Mental Health Assessor

Although it is claimed H [REDACTED] House is a specialist care home, I have not, when asked, been provided with evidence to substantiate the provider's claim.

It states my brother's care needs are well met in the home, I have considerable evidence that such is not true.

I firmly believe Dr P [REDACTED]'s comments that independent living or living with regular carer input, as he did for 35 years at his family home is completely inaccurate.

In regard to activities, the staff of the home have provided activities in the past that have been unsuitable and caused my brother distress, the recent trip to see P [REDACTED] b [REDACTED] at the cinema being an example.

I note Dr P [REDACTED] has ignored my brother's mandatory right to support and treatment.

Notes:

No weekly weight logs documented

No home visits date and time logs documented

No phone call logs documented