



HILLINGDON

LONDON

Health & Safety Services - GREEN ALERT

Nursery & Care Home fined after a baby and adult resident choke to death

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Applicable to all managers of nurseries and care home settings

A nursery has been fined £800,000 after an eleven-month-old boy died after choking on a piece of food.

The young boy was eating dinner at the nursery when he began to choke. When a staff member returned from using the bathroom, she thought he was sleeping but then realised he was not breathing. An ambulance was called and staff attempted to dislodge the blockage in his airway by slapping him on the back. They also performed CPR.

When paramedics arrived, they were able to remove the obstruction, which was later found to be a piece of mango. The young boy was taken to hospital but died the following day.

An investigation found, during a two month period, the employer failed to provide employees at the nursery with suitable instruction and supervision to adequately control the risk of choking during mealtimes. The investigation also found a number of other occasions when staff were involved with other tasks and therefore not watching the children eat. The company admitted failings under Health and Safety at Work legislation and was fined £800,000.

The Head of the Health and Safety Investigation Unit of the Crown Office and Procurator Fiscal Service, said: "This tragic death could have been prevented if staff had been given suitable instruction and supervision in relation to their duties to properly supervise children's mealtimes".

"Childcare providers have an enormous responsibility to ensure the safety and wellbeing of the children in their care, but in this case, the company failed to live up to that responsibility".

"This should serve as a warning to others of the devastating consequences of such failures".

Corporate Health & Safety - GREEN ALERT

A care home has been fined £640,000 after a sixty-five-year-old resident died after choking on a piece of food.

The resident was on a specialist diet of minced and moist food after a severe stroke and vascular dementia left her at risk of choking. Bread products are not suitable for this modified diet as they cannot be mashed small enough.

However, she was given a piece of jam doughnut as a snack from the tea trolley, which she choked on. Despite the efforts of care home staff and paramedics to remove the food, the resident died.

Prior to her death, the resident had frequently been given sandwiches from the snack trolley, repeatedly putting her at risk.

Main meals at the home were prepared by the kitchen and labelled with each resident's name. However, the snack trolley did not have information on modified diets or food suitability. Staff in charge of the trolley had also not had sufficient training on modified diets.

The care home 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.

The Head of the Health and Safety Investigation Unit of the Crown Office and Procurator Fiscal Service said: "The death of this vulnerable care home resident could have been prevented if suitable training and procedures were in place".

"The company left all residents at risk by failing to ensure modified diets were adhered to and staff had the relevant knowledge to keep those in their care safe. This prosecution should reiterate the need for all care homes to protect their residents and remind them they will be held accountable if they fail to do so".

Key actions for managers:

- Have in place risk assessments for all activities which have the potential to pose a risk of injury/ill health to people within their care
- Consider the risks associated with vulnerable people and/or those with other difficulties (e.g. learning needs)
- Implement controls identified from risk assessments
- Have in place arrangements to adequately supervise activities involving vulnerable people
- Provide appropriate training to those who will supervise vulnerable people in their care including any specific individual requirements
- Complete an assessment of first aid needs to determine if the numbers of staff, who hold a first aid qualification, is adequate given the numbers of people and the layout of the building
- Ensure any gaps identified in the first aid provision are addressed at the earliest opportunity
- Refer to the [First Aid Standard](#) or [Early Years Foundation Stage Framework](#) for further information/details

Should you require any further information or support in implementing the requirements of this alert please contact [Health & Safety Services](#)

Traffic light key	
Red alerts	Mandatory - where immediate action may be required
Amber alerts	Mandatory - with a timescale for action that may be required.
Green alerts	Information only