

Woman, 71, jailed for defying council over sibling's care

Grandmother broke no laws by taking brother to his native Portugal but is imprisoned by secret court

By Christopher Booker and Gordon Rayner

A 71-YEAR-OLD grandmother has been sent to a maximum security prison for six months by the secretive Court of Protection after she defied a council's

demands over care arrangements for her elderly brother.

The Portuguese woman's 81-year-old sibling, who lived in England for 50 years, is in a care home on the Algarve where she insists he is living happily. She had not broken any laws in taking her brother back to his native country, but Devon county council went to court to have him declared mentally incompetent, and a Court of Protection judge ordered her to sign papers authorising his return to the UK.

When she refused to do so, saying

her brother wanted to stay in Portugal, the Court of Protection found her in contempt of court and last month imposed a six-month jail sentence. She is now in HMP Bronzefield, a Category A prison in Surrey where previous inmates include Rosemary West.

It is the latest in a series of controversies surrounding the Court of Protection, which sits largely in secret but which must publish details of any case in which it imprisons someone.

The man at the centre of the case was living on his own at his house in Devon

when he was diagnosed with vascular dementia. In 2014 he moved in with his sister, Ms K, at her small home in Sussex so that she could sell his house and use the money to buy a larger property where they could both live, or for him to be able to live near to her.

A neighbour of the brother alerted Devon county council to the move, and in April 2015 a social worker recommended that the man should be brought back to Devon to live in a care home, and a judge ruled that he did not have the mental capacity to make decisions

for himself. The council obtained a court order freezing his assets, including the house, which remains in place.

Ms K decided to take her brother to Portugal the same month, where they moved in with a relation, but her brother was hospitalised because of his dementia and moved into a care home in September last year. A series of court hearings followed over the next year, but Ms K - who had power of attorney over him - refused to sign papers releasing him to the care of the county council. Ms K's solicitor Shahana Begum said:

"There has been a vast amount of public money wasted on this case without achieving anything that is going to be beneficial for this man. Any move at this stage is likely to result in his death."

A spokesman for Devon county council said: "In this case, Ms K wilfully refused to comply with orders of the court and such refusal gave the Judge little choice but to send her to prison. At all times, the paramount concern for Devon county council is the welfare of the vulnerable adult for whom it has responsibility."