

# Holocaust survivor with dementia can leave home that 'felt like Nazi camp'

Woman who said care home made her 'feel like a prisoner again' allowed by court to move out

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A SURVIVOR of the Holocaust who said living in a care home reminded her of being back in a Nazi concentration camp has been given special permission by a court to return home despite her frail condition.

The woman, who is in her 90s, suffers from dementia and has been formally assessed as lacking the mental capacity to make decisions about where she lives or about her care.

A court had previously issued a formal "deprivation of liberty" authorisation, placing her in a care home for her own well-being.

Her family had supported the move, believing it was "unrealistic" for her to

remain at her own home and had been happy with how she was being cared for at the care home.

But the Court of Protection in London, which deals with sensitive mental capacity cases and life-and-death treatment decisions, heard that the woman, who cannot be identified, had "consistently" said she wanted to leave the home.

District Judge Anselm Eldergill was told how she had repeatedly made references to "feeling like a prisoner again in the German concentration camp" and just wanting to be "free from this place".

Her daughter told the judge she had changed her mind and now supports an application for the woman to be allowed to live at home on a trial basis.

She said that, given her mother's past experiences, the last thing she would want to do would be to deprive her of her freedom.

Although the circumstances of the case are rare, it illustrates a clash between a desire to keep vulnerable eld-

erly or disabled people in specialist homes or hospitals for their own safety and their freedom.

Courts are facing a surge in such cases in the wake of a landmark Supreme Court case two years ago which ruled that severely disabled people have the same rights to "physical liberty" as anyone else, and that this can only be curtailed with proper safeguards.

Lady Hale, deputy president of the Supreme Court, said that even though carers might believe they are acting in someone's best interests by restraining them or preventing them going outside, a "gilded cage" is "still a cage".

In the current case, council social services staff made clear they supported the idea of the woman living back at home on a trial basis but asked the judge to rule on what would be in her best interests.

Lee Parkhill, representing social services, said the woman placed a "high value on her liberty". She has indicated that she wants to be buried in Israel when she dies.

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