

Watchdog let fraudster run care homes

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A fraudster jailed for stealing money from a woman of 82 was allowed to manage a care home after the watchdog failed to block her appointment.

The independent Care Quality Commission, which regulates care homes, knew of Denise Baran's criminal conviction when it approved her registration in 2010 as manager of a home for 25 elderly residents.

A charity representing care home residents and relatives said that Baran's crime should have automatically barred her and condemned the CQC's decision as "staggering".

Baran, a financial adviser, was jailed in 2003 for duping a client out of £9,000. She pleaded guilty to deception and using a false instrument after visiting the 82-year-old woman's home and persuading her to sign a cheque without naming the payee. Baran later inserted her own name and banked it.

Jailing her for three months, a magistrate in Harrogate, North Yorkshire, said that there was no alternative to jail because Baran, then aged 49, had abused the trust placed in her by an elderly, vulnerable victim.

Within days of leaving jail she was employed as a care worker at Holmfield Court in Leeds, where some residents had dementia. She became its manager a few years later.

As regulator of health and social care in England, CQC is tasked with ensuring that services provide safe and effective care. Before granting registration to care home managers, it has a statutory duty to establish that applicants are "of good character" and it must take into consideration whether they have been convicted of any offence.

In 2014 Baran left to become manager of Larchfield Manor in Harrogate. Again, her registration was approved.



Denise Baran was allowed to run Holmfield Court and Larchfield Manor, right

Analysis

As the independent regulator of England's 16,000 care homes, the Care Quality Commission is tasked with ensuring that social care services provide people with "safe, effective, compassionate, high-quality care" (Andrew Norfolk writes).

Any organisation that wishes to run a care home must seek registration, as must its managers.

Would-be managers must satisfy the commission that, as well as having the necessary skills,

experience and qualifications, they are "of good character".

In assessing character, CQC is required to take into account whether they have been struck off any relevant professional register and whether they have been "convicted in the United Kingdom of any offence".

This does not mean that anyone with a criminal past is inevitably ruled unfit for registration. Certain offences warrant rejection because they lead to

automatic inclusion on one of the lists operated by the Disclosure and Barring Service (DBS). The vast majority of "barring offences" are sex crimes. Murder and kidnapping also feature but no financial crimes lead to an automatic bar.

If someone has a criminal conviction but is not on the barred list, CQC must decide whether it is satisfied that the candidate's care home is likely to be "safe, effective, caring, responsive and well led".

The regulator was contacted this year by a whistleblower who questioned whether it was appropriate to allow someone with such a conviction to manage a care home. Its initial response suggested that it was grateful for the information. Julie Smith, a CQC inspector, told the whistleblower: "Individuals with a criminal conviction such as theft from an elderly person should be on the barring list as held by the Disclosure and Barring Service. We would like an opportunity to investigate this further."

A month later another CQC employee said that it was satisfied that before registering Baran it had "carried out a detailed and rigorous investigation into the circumstances of [her] conviction". The employee added: "Ms Baran was open and honest with CQC and her employers about the incident and we took legal advice before proceeding with her registration as manager for Holmfield Court and Larchfield Manor."

Emma Williams, of the Relatives & Residents Association, said that the decision "beggars belief". She said: "CQC's role is to provide protection for some of the most vulnerable people in our society. Older people are particularly vulnerable to fraud and financial abuse". The CQC was unable to tell *The Times* how many times it has granted registration to applicants previously jailed for crimes against elderly victims.

It said that although it was obliged to consider criminal convictions in assessing an applicant's character, "this does not mean that a person with a conviction must necessarily be deemed unfit and their application refused". Andrea Sutcliffe, its director of adult social care, said that it adopted a "rigor-

ous approach" and that on average it rejected 37 applications a month. She said: "In 2010 we made an initial assessment of this individual's fitness to become a manager of a care home. They were open in discussing a spent conviction from seven years ago and were deeply contrite and ashamed. They explained that the offence occurred at a time when they were struggling to cope with very difficult personal circumstances. Their employer at the time was aware of the conviction and provided a supportive reference testifying to their good character."

Announcing Baran's appointment in 2014, Larchfield Manor stated on its website that she had "spent her working life in the care industry". In reality, she had worked for 14 years as a financial adviser before being jailed.

The care home failed to explain why it made such a statement but the wording was changed this week. A spokesman acknowledged that Baran's offence "was serious" but said that it happened more than ten years before she joined "and she has repeatedly expressed remorse". Baran did not respond to a request for comment. Holmfield Court refused to explain why it employed her as a care worker in 2003 within weeks of her conviction.

The Times revealed last year that CQC covered up the suspected rape of an autistic man by a high-risk sex offender at a north London care home. It also failed to prosecute the company that ran the home for criminal offences.

CQC's chief executive responded to the article by ordering an independent inquiry into its handling of the case, whose findings would be made public. The inquiry has yet to conclude.



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