http://www.irwinmitchell.com/news/Pages/Authorities-Must-Learn-Lessons-From-Newcastle-Care-Inquiry.aspx states that “It has been suggested that Northumberland, Tyne and Wear NHS Foundation Trust and Newcastle City Council failed to take his rights and best interests into account when planning his care, stating that their actions impacted on Mr J’s quality of life and wellbeing.

The release of details about the inquiry has been welcomed by public law specialists at Irwin Mitchell who represent the families of vulnerable members of society who have suffered an infringement of their rights.

Alex Rook, a public law expert at Irwin Mitchell who specialises in cases related to health and social care, said: “It is sad to see that authorities continue to ignore obligations which are vitally important to the welfare of the most vulnerable members of society.

“Where an adult lacks the mental capacity to make decisions as to where they wish to live, a decision should be taken in their best interests.

“If agreement cannot be reached, proceedings should be issued in the Court of Protection as a matter of urgency, or authorities risk proceedings being brought against them for a breach of the individual’s right to liberty and to a family life in accordance with the European Convention on Human Rights, and damages awards being considered as a consequence.

“Lessons must be learned from this inquiry as vulnerable members of society are going to receive the support they need.”

A public law specialist at Irwin Mitchell called for local Authorities to ensure they meet social care obligations in the care of the man with downs syndrome in the North East. The man Mr J was kept in hospital for longer than necessary, then moved to inappropriate accommodation was locked which restricting his access to the outside world.

In my opinion, local authorities should have thought about the welfare of “Mr J” who could not explain his situation due to his mental situation due to his mental condition and the suffered as a result of their lack of duty of care. Mr J’s health and safety was put at risk by the local authority who were directly responsible. The HSE (health and safety executive) is the government body responsible for enforcing legislation and providing guidance on health and safety in the workplace.