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TIMES INVESTIGATION

## CQC covered up suspected rape in care home

• Helpless residents at risk from offender • Senior manager was also sex criminal • Regulator kept ‘disturbing’ case secret

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The victim's mother has despaired of seeking answers ANDREW MCCAREN FOR THE TIMES

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The suspected rape of a helpless autistic man by a high-risk sex offender was kept secret by the official body responsible for his safety, *The Times* can reveal.

The incident was among a cluster of sex alerts at residential homes owned by a private company that specialised in the care of young adults with learning disabilities.

All were kept hidden from the public by the Care Quality Commission (CQC), which regulates England's 16,000 care homes and claims to be committed to openness and transparency. The case raises serious doubts about its stated mission to protect people from harm and to "hold providers to account".

*The Times* has seen confidential police documents and agency reports linked to the suspected rape and other incidents at three homes run by Hillgreen Care. They reveal:

- The deputy manager of one home was a convicted sex offender working in Britain illegally.
- Concerns were raised at other homes over "sexual grooming" of residents and staff having sex while on duty.
- Care workers were initially told not to inform police of the suspected rape.
- Potential DNA evidence linked to the incident was destroyed.

More than 20 months after the alleged attack, no charges have been brought against Hillgreen by the CQC, despite new criminal powers under which it can prosecute companies.

Steve Brine, the health minister, described the case as deeply disturbing. Publicly the commission has given no hint that it even knew of the incident. It inspected the home in Enfield, north London, less than two weeks after it was told but the report it published in January last year described a place where residents "felt safe", with caring staff who "understood abuse and knew how to report any concerns".

Inquiries by Enfield council raised so many alarms about Hillgreen that the local authority commissioned an independent safeguarding review of the company and its homes.

At the centre of the most serious incident was a 28-year-old resident, JL, whose placement was funded by the neighbouring Hackney authority. *The Times* is unable to name him because it has been threatened with an injunction by the council.

JL had previously been charged with raping a vulnerable adult and, in 2015, sexually assaulting a 14-year-old girl. He is now serving a suspended prison sentence for the latter.

Senior Hillgreen staff knew that there was a high risk of him reoffending and that other residents should be protected from him. However, he was not kept under supervision. In November 2015, a care worker found JL in the bedroom of a severely autistic 23-year-old man who lacks mental capacity, does not speak and was considered incapable of giving sexual consent. Questioned by staff, JL admitted that he walked into the young man's bedroom, pulled down his clothing and had sex with him.

The victim's boxer shorts, which had potential DNA evidence, were photographed on a worker's phone but senior Hillgreen management initially told staff not to contact police. It was more than 24 hours before they told his mother he had been "sexually assaulted".

Police investigated the case as a suspected rape. They say they were first contacted two days after the incident, but not by Hillgreen. When officers went to the home the young man's underwear had already been washed.

The Crown Prosecution Service (CPS) decided there was insufficient evidence for charges. Its assessment was that JL's admission would be inadmissible in court; the victim "cannot give an account"; the care worker saw no penetration; and there was "no other evidence as [the victim's] underwear was washed".

A police spokesman said that the "lack of forensic evidence" was a significant factor in the CPS decision.

Restricted-access papers seen by *The Times* show that when care authorities became aware of the alleged attack, internal inquiries swiftly established multiple serious failings by Hillgreen. An emergency multi-agency meeting discussed alerts at three Hillgreen homes over "staff members engaging in sexual activity whilst on duty"; the "sexual grooming of service users"; and the "questionable immigration status" of five workers.

One of the five was Tadeo Binama, the Enfield home's deputy manager. He was detained after checks revealed that he was working illegally on an expired student visa. He also had criminal convictions for sex offences in 2012 and 2013.

Enfield is understood to have advised councils across London not to place vulnerable adults with Hillgreen. Hackney council, which was responsible for JL's care, said it did not fund new placements in homes run by the company.

Last night the CQC defended its failure to make public any of the concerns raised about Hillgreen and said it was "actively pursuing what criminal action can be taken in relation to the failings" at the Enfield home. It said its desire to be "open and transparent" needed to be balanced alongside a risk of "compromising ongoing investigations".

More than seven months after police closed the case, *The Times* is not aware that the CQC has interviewed any suspects or witnesses in connection with the incident. The victim's mother says she has not been contacted by the commission for more than a year.

Solicitors for Hillgreen declined to comment beyond describing many of the criticisms as unfair and inaccurate.