

## **Summary of Concerns and Complaints re Winterbourne View**

This information relating to concerns and complaints tells only a small part of a complex picture which involves many different organisations. Last year CQC received more than 11,000 notifications that related to serious injury, and nearly 3,500 notifications of police investigations. It is the job of the local authority, or the police where appropriate, to investigate these incidents. We and the other agencies involved encourage providers to provide these notifications; we would be concerned about a provider who did not make any notifications.

All the incidents described in the information relating to Winterbourne View were reported appropriately at the time and investigated by police or other responsible bodies. The issue at Winterbourne View was not what was known and reported, but what was concealed - the horrific abuse of vulnerable people which was exposed by weeks of secret filming by Panorama.

Information CQC receives from notifications and other concerns is added to the information we already hold about each service provider. It helps our inspectors make judgments about services and target our work.

If we find evidence a provider has not complied with the regulations, we will tell them what they have to do to put things right. In serious cases, we may consider using our legal powers to make sure the matter is put right. If there is evidence of a problem that is putting people at risk, we will investigate and take action where necessary. We have a wide range of enforcement powers and we have flexibility over how we use them.

### **5 November 2008 - safeguarding notification from South Gloucestershire Council**

The Commission considers this information to be subject to the exemption from disclosure under section 41 of the Act, because it relates to information provided to CQC in confidence.\*

### **24 September 2009 - safeguarding notification from South Gloucestershire Council**

The Commission considers this information to be subject to the exemption from disclosure under section 41 of the Act, because it relates to information provided to CQC in confidence.\*

### **8 October 2009 – statutory notification**

On 7 October 2009 a patient was being restrained with approved physical intervention techniques to prevent them from throwing a chair at staff. The patient bit the staff member's hand and lost a tooth in the process. The member of staff also sustained broken skin injuries in the incident.

The patient had no established history of biting and the member of staff had no disciplinary record of being involved in similar incidents.

## **Summary of Concerns and Complaints re Winterbourne View**

### ***Resulting action***

The police were informed and attended the scene and the local safeguarding team also alerted. Incident forms and statements from witnesses were gathered and forwarded to the safeguarding team.

### **11 November 2009 - safeguarding notification from South Gloucestershire Council**

The Commission considers this information to be subject to the exemption from disclosure under section 41 of the Act, because it relates to information provided to CQC in confidence.\*

### **10 January 2010 - statutory notification**

A female patient alleged that on the evening of 10 January a male patient had followed her to a quiet lounge and sexually assaulted her.

### ***Resulting action***

The issue was been reported to the police and local safeguarding team for investigation.

The female patient was moved permanently to ensure she is in a place of safety. The male patient underwent a full review of care and risk and received increased supervision for four weeks to monitor his behaviour. Staff were been strongly reminded of the need for constant vigilance irrespective of the apparent settled mood of the patients they are supervising. A strategy meeting was held by South Gloucestershire and they would hold the information relating to this meeting.

### **8 February 2010 - statutory notification**

On 7 February 2010, a patient disclosed to Castlebeck that on 2/02/2010 a member of staff allegedly pushed her and struck her on her back because she was not agreeing to go and have dinner with the other patients in the dinning room.

### ***Resulting action***

This incident was reported to the police, who investigated and police have completed their investigation and concluded there was no criminal case to answer. The safeguarding team in South Gloucestershire also investigated.

### **3 March 2010 - safeguarding alert**

A patient bit another patient

### ***Resulting action***

The incident was reported to the police. The victim received first aid and moved to a different part of the building. The perpetrator was made subject to one-to-one observation.

## **Summary of Concerns and Complaints re Winterbourne View**

### **19 July 2010 - statutory notification from Castlebeck**

A support worker reported they were unhappy with the way in which another support worker was dealing with a patient's challenging behaviour. The allegation was that the support worker had slapped the patient twice.

#### ***Resulting action***

The matter was reported to safeguarding and the police. Castlebeck investigated the matter once the police interviews were complete. CQC were not informed as to the outcome of these investigations. This information is held by the police, South Gloucestershire and Castlebeck.

### **18 August 2010 - investigation report from Castlebeck.**

This report concerned an incident that took place on 23 February 2010. A staff member had reported seeing a support worker shouting at and pulling patient in a corridor with some force to prevent her from triggering a response alarm.

#### ***Resulting action***

The support worker received a verbal warning to be kept on their personal file for six months.

### **24 August 2010 - statutory notification from Castlebeck.**

On 25 March 2010, through an advocate, a patient made an allegation against a support worker. It was alleged that the support worker had squeezed the patient's neck during a restraint and that the patient had found it difficult to swallow following this incident. The patient also stated that the support worker gets rough when he is angry.

#### ***Resulting action***

Protection of Vulnerable Adults (POVA) was informed of this allegation, and following this a police investigation took place. Castlebeck also investigated the incident. The support worker underwent a disciplinary hearing in respect of the allegations. They received a final written warning to be kept on their personal file for two years period and was required to complete the full Maybo training course for restraint techniques. CQC were not informed as to the outcome of these investigations. This information is held by the police.

### **6 Dec 2010 - email received by CQC**

When people provide whistle blowing information they expect to do so in confidence and would not expect their communications with us to be released into the public domain.

The Commission considers this information to be subject to the exemption from disclosure under section 41 of the Act, because it relates to information provided to CQC in confidence.

CQC considers that disclosure of these documents would be a potentially actionable breach of that duty of confidence.

## **Summary of Concerns and Complaints re Winterbourne View**

No public interest test is required for this exemption.

However, since the Panorama programme much of the information contained in these communications have entered the public domain, including the identity of the whistle-blower. This means that we can provide you with a summary of the information.

CQC received a brief email stating the writer would like to make a serious complaint about Winterbourne View, alleging they had witnessed physical and mental abuse and that despite whistle blowing to management, nothing had been done to address his concerns. He asked that some one get back to him urgently.

### ***Resulting action***

This was assigned to the inspector for Winterbourne View for their attention. CQC's inspector believed these issues were being dealt with through the local safeguarding process involving the council, commissioners and hospital managers.

### **Email sent by whistleblower to the manager of Winterbourne View. The manager then passed the information to South Gloucestershire Safeguarding Adults team who shared the information with CQC on 29 November 2010.**

On 11 October 2010 the manager of the service received an e mail from a member of staff which outlined a number of serious allegations concerning the conduct of staff members they worked with. The allegations included examples of overarching institutional abuse such as 'regimented routines that had developed that do not reflect service user's needs, but the services. The whistle blower describes this as archaic practice, but as it fits in with the other routines of the home, it is carried on. The whistleblower provided clear examples where established staff members seem to relish restraint procedure.

The email also outlined concerns with shift patterns resulting in staff being required to work long hours which affected their ability to remain calm in challenging situations; limited therapeutic input; no risk assessments or care plans in the offices to refer too; and concerns over security levels within the service.

### ***Resulting action***

These issues were being dealt with through the local safeguarding process involving the council, commissioners, hospital managers and CQC. The local authority advised CQC is was setting up a safeguarding meeting.

It is now clear that the problems at Winterbourne View were far worse than originally indicated by the whistleblower. He has acknowledged that even he didn't realise the level of abuse until he saw the TV pictures which had been obtained through secret filming.

## Summary of Concerns and Complaints re Winterbourne View

### **Call received by CQC 20 May 2011- caller rang on behalf of a member of staff to share concerns.**

A caller raised concerns regarding the staffing levels at Winterbourne View but was unsure as to how many service users occupied each floor. The caller also raised concerns over the use of restraint but was uncertain of the technique being employed.

#### ***Resulting action***

This information was assigned to the inspector for the service. On 20 May 2010, the Compliance Manager (CM) for the service contacted the caller who stated that he had concerns about the treatment of people when his wife worked at the hospital. This was based on what she and other staff told him. He also said he could not remember much. He said his concerns were about people being restrained 'wrongly'

\* A duty of confidence arises when one person (the "confidant") is provided with information by another (the "confider") in the expectation that the information will only be used or disclosed in accordance with the wishes of the confider. If there is a breach of confidence, the confider or any other party affected (for instance a person whose details were included in the disclosed information) may have the right to take action through the courts.

The Commission considers that disclosure of this information would be a potentially actionable breach of that duty of confidence.

No public interest test is required for this exemption.

However, I am in the process of consulting with the council to obtain their views on disclosure of this information. Once this process is complete, I will come back to you with a further decision as to whether we can provide this information.