Learning lessons Winterbourne View Hospital and Operation Jasmine: the challenges of safeguarding in large group settings

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Isle of Wight
March 2017
Why bother?

- The stakes are high
- The failures are visible
- Complexity is the rule
Reviews?

- A review is a *formal assessment* of an event or process with the intention of instituting *change if necessary*. The verb ‘to review’ refers to a process of going over a subject.
- A “core duty” of a SAB: *It must conduct any Safeguarding Adults Review in accordance with S.44 of the Care Act; a Board must undertake a practice review, Regulations 2015, The Safeguarding Boards (Functions and Procedures) Wales, 4.*
Familiar themes from reviews

- Alcohol and substance misuse
- Ignoring complaints/ concerns
- Relaxing relationship boundaries
- Physical health not in the foreground of service responses
- Professional decision-making ahistorical and based on partial information
- Deifying “choice” and “unwise decisions” without reference to the Mental Capacity Act 2005
Bullying

- Is associated with the general interactions of children and young people
- Generally hidden from the (adult) supervising world
- Being different in some way is a risk factor for being bullied
- Factors predisposing to bullying include: violence in a family; lack of warmth between parents or family; no clear guidelines for behaviour or monitoring activities
Cruelty

Most cruelty is about callousness. It may involve failing to realise, ignoring, or deliberately downplaying the harmful effects of cruel behaviour on victims, or it may involve the belief that harm is justified: fair punishment rather than unfair vindictiveness…
Health status

- Task driven health and social care may result in case closure without any consideration of the risks
- Timely physical health care is not in evidence
- Undiagnosed mental health problems do not result in heightened professional concern
Recognising and reporting is an ongoing struggle

- Requires us to face cruelty, violations of expectations and death
- There may be no physical evidence and no witnesses
- Those who have been harmed may show that they are hurting in ways we struggle to understand
- We bring our biographies and perceptions to the task
The Learning...

- Concerned and curious vigilance matters
- Faith in promises to reform has a poor track record
- Too often, “Wait and see” = too little too late
And...
The learning...

- Had it not been for the BBC’s “Undercover care: the abuse exposed” May 2011, the harms endured would not have come to light.
- Staff, including those with supervisory responsibilities, ignored the arbitrary violence, degradation, water-based punishment, disrespectful treatment and great distress of patients.
- The use of dangerous and painful restraint practices was excessive and went unchallenged – even by A&E clinicians.
What didn’t work?

The whistle-blower disclosed events to

- Whistle-blowing to (i) Castlebeck Ltd (ii) the CQC
- Light touch regulation
- Complaints
- Advocacy
It was a high risk service

- The company that owns Winterbourne View, Castlebeck, is itself part of a group called CB Care Ltd, which is itself owned, via Jersey, by Swiss-based private equity group Lydian, backed by a group of Irish billionaires. The process of private equity ownership is that all the money gets whipped out by the bankers and offshore owners as soon as possible. So...while CB Care makes healthy operating profits these disappear in interest payments, leaving the group with hefty annual losses and...liabilities exceeding assets by £14 million...The Care Quality Commission...confirmed that for private providers there is “no provision to require insurance under the Health and Social Care Act.” So while private equity owners scoop up the profits, it looks like taxpayers could end up having to pay for private care fiascos.”

  Private Eye, “Passing the ‘Beck”, No. 1327
  16-29 November 2012, p31
And 5 years later?

- The number of adults referred to A&T services stubbornly refuses to reduce – it has increased – registering /funding?
- The DH sponsored Transformation Programme has been expensive and ineffectual – another review?
- There are many professionals who believe that ‘full-body restraint is necessary –
- Sustained austerity/ cuts in services mean that people whose behaviour is challenging, and their families are not receiving help
- Service commissioners and business owners seem to have an unassailable alliance to misuse public money
- An enforceable code of practice in ethical investment is essential – but not on the agenda
Operation Jasmine

- A major Gwent Police investigation which started in 2005 and spanned seven years
- Hinged on 63 deaths which were a cause for concern in care and nursing homes
- Over 100 alleged victims
- Over 4k statements were taken
- Over 10k exhibits
- Involved 75 police officers
- Responsibility for leading the investigation transferred to the Health and Safety Executive during 2011
- It cost around £15m
- …and delivered a legal impasse
The review was...

- Commissioned by the First Minister for Wales *in order that we may learn for the future*
- To set out: the key events; the experiences of older people; the actions of the various parties; key lessons; and contribute to the *Regulation and Inspection of Care and Support (Wales) Bill*
- It required the assistance of the families, the Crown Prosecution Service, Gwent Police, the Care and Social Services Inspectorate Wales, local authorities, the NHS and the HSE
Principal themes

- The ownership of homes by GPs/ directors of companies
- History of concerns
- The public interest associated with the residential and nursing care of large numbers of older people
- Staff and managers without training, supervision, access to supplies or safe equipment
- Deep pressure ulcers and inattentive health care of older people
- Piecemeal interventions
- A trial with an ever-receding start date
The Lessons...

- Scandals fix nothing permanently
- Citizens cannot rely on the conscience of care home owners to deliver valued care and support to frail older people
- Grouping older people with dementia together in particular homes, without sufficient staff who are adequately managed, trained and supervised, is assumed, without evidence, to be acceptable practice on the grounds that they all have similar needs
And...

- Older people’s injuries, pain and life-threatening deep pressure wounds were unobserved, unreported, reported inaccurately and/or reported belatedly – and yet in this case no crimes were identified by the CPS.
- The public sector should not underwrite companies which have produced considerable rewards for the few at the expense of the many.
- Private interest pursued at the expense of others has a long history, however, the public interest cannot be subordinate to the short term personal gains or even criminality of a minority of directors of care homes.
Safeguarding cannot...

- Halt the self-interested unwillingness of businesses to value adults with support needs
- Require high level and sustained commitment to learn and change
- HOWEVER, it can expose such fault-lines; make the case for improved corporate conduct and safeguards; and strengthen protective outcomes for individuals; and ensure that the powers and duties of other agencies are invoked
Accessing reviews

- Winterbourne View Hospital
- In Search of Accountability