

## Summary of supporting information for inspectors: Identifying and responding to closed cultures

### Background

In May 2019, BBC Panorama exposed the culture of abuse and human rights breaches of people with a learning disability at Whorlton Hall. It reinforced how important it is for everyone involved in the care of people with a learning disability or autistic people to identify closed cultures, where abuse and human rights breaches may be taking place.

Protecting people's basic human rights is at the heart of good care. Everyone involved in the care of people has a duty to act where there is a risk that a person's human rights are being breached. As the regulator of health and social care services, we are committed to improving how we regulate services where there is a risk of a closed, or punitive culture.

We have commissioned two independent reviews into our regulation of Whorlton Hall. However, ahead of the findings of these reviews we have also taken practical steps to improve how we regulate these types of services.

### About the supporting information

In July 2019, we produced discussion papers for inspection staff to make sure that all our inspectors have a shared understanding of the potential risk factors for abusive cultures, and can use this information to take action where necessary. The supporting information document provides further detail to support the identification and regulation of services where there is a risk of a closed or punitive culture. It provides information on:

- 1. Inherent risks.** The likelihood that a service might develop a closed or punitive culture, which could lead to abuse or breaches of human rights, is higher if inherent risks have been identified. For example, this may include:
  - people who use the service are highly dependent on staff to meet their basic needs
  - risks with how the service is managed
  - concerns about the numbers, skills and level of training for staff working in the service.

**2. Warning signs.** When monitoring and inspecting services, inspection teams need to be alert to warning signs that there may be a closed or punitive culture, or that there is risk of such a culture developing. For example, this may include:

- concerns raised by staff working in the service, by families or others that relate to how people are being treated, incidents involving violence or how complaints are handled
- whether managers know what is happening in the service day-to-day and whether they acknowledge potential signs of poor culture or potential abuse
- a high proportion of people being cared for in some form of isolation, away from other people using the service
- people using the service being restricted without proper consideration of their human rights. As well as restraint, this includes restrictions on access to food and drink, to using the toilet, to going outside, to visitors and to their own clothes and possessions.

**3. Responding to closed cultures.** The presence of one or more inherent risk factors is not proof that there is an abusive or punitive culture, but could be a sign that there is an increased chance of one developing. When monitoring, planning an inspection and inspecting services, inspection teams need to consider:

- are people able to self-advocate?
- is there a high inherent risk?
- are there any warning signs?

Where there is a high inherent risk in a service and warning signs are developing, there should be a low threshold for deciding to carry out a responsive inspection.

We have given inspectors some pointers on how to carry out inspections where there is a high inherent risk and/or warning signs. These include:

- who should be on the inspection team, including using Experts by Experience
- the importance of gathering the views of people who use services and their families as early as possible, so that their views can influence the focus of the inspection
- how to gather information on inspection, including having a focus on people using the service who might be at highest risk of human rights breaches.

**4. After the inspection and enforcement.** Following the inspection, if we have identified closed cultures where there is a high risk of abuse, human rights breaches or poor care, inspection teams will consider what the appropriate response is, and if enforcement action is required. This could range from raising a safeguarding alert, to immediately taking action against a provider, to cancelling their registration with CQC.

We will be continuing to review and update our supporting information. If you would like to provide feedback, please email [closedcultures@cqc.org.uk](mailto:closedcultures@cqc.org.uk).

## Appendix: Flowchart for identifying and responding to closed cultures

