

Response from Care Inspectorate Wales

Inquiry into the provision of health and social care in the adult prison estate

Thank you for the invitation for Care Inspectorate Wales (CIW) to submit evidence to the Committee's inquiry into the provision of health and social care in the adult prison estate.

To help inform the Committee's considerations, we have set out below the context in which CIW registers, regulates and inspects the adult prison estate in Wales. We have detailed some basic information about the sector and our activity within it.

The role of CIW

We register, inspect and take action to improve the quality and safety of social care services for the well-being of the people of Wales, including adult prisoners. We decide who can provide services; take action to ensure services meet legislative and regulatory requirements; and investigate concerns raised about regulated services. We carry out our functions on behalf of Welsh Ministers. Our independence is protected through a Memorandum of Understanding between the Chief Inspector and the relevant Welsh Ministers.

The sector

Local Authority	Health Board	Her Majesty's Prison (HMP)	CIW regulated services at 31 July 2019
Monmouthshire	Aneurin Bevan	Usk & Prescoed	Domiciliary Care
Cardiff	Cardiff & Vale	Cardiff	None
Swansea	Swansea Bay	Swansea	None
Wrexham	Betsi Cadwaladr	Berwyn	None
Bridgend	Cwm Taf Morgannwg	Parc (private sector)	None

The legislation

Part 11 (sections 185 – 188) of the Social Services and Well-being (Wales) Act 2014 (the 2014 Act) made provisions in relation to adult prisons, youth detention accommodation, approved premises and bail accommodation. The code of practice on Miscellaneous and General in relation to part 11 underpins the Act and sets out the requirements on local authorities in the exercise of their social services functions with respect to adult prisoners.

The Act introduced duties on local authorities to prevent the escalation of care and support needs and to provide assessments and care and support services for adults in the secure estate on the basis of equivalence to people living in the community. These duties exist regardless of their place of ordinary residence in Wales or elsewhere before their detention.

Local authorities may commission or arrange for others to provide care and support services, or delegate the performance of the function to another party but the responsibility for fulfilling the duty will remain that of the local authority.

Under the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act), any person providing a “regulated service” is required to register with CIW. The relevant regulated services for the adult secure estate are Domiciliary Support Services. The definitions of these regulated services are set out under Schedule 1 of the 2016 Act. A person managing a prison or other similar custodial establishment is exempt from the definition if they are providing care and support directly contracted by the Ministry of Justice (MOJ) to the individuals detained there.

Inspection

Prison and probation services are inspected by Her Majesty’s Inspectorate of Prisons for England and Wales (HMI Prisons) and HM Inspectorate of Probation (HMI Probation). In Wales, CIW, Estyn and Healthcare Inspectorate Wales (HIW) co-operate with HMI Prisons and HMI Probation to contribute to these inspections. Local authorities **should** make any relevant assessments and other documents available to inspecting bodies as part of any such inspection.

Care and support provided by a public or private sector prison where the care is contracted directly by the MOJ as a contribution to delivery of an individual care and support plan is not regulated by CIW but is open to inspection by HMI Prisons.

CIW activities to date

Since implementation of the 2014 Act in April 2016 CIW has joined HMI Prisons to undertake a thematic review of social care in prisons in England and Wales. Initially the review was to focus on England only, however, following an HMI Prisons general inspection in HMPs Usk and Prescoed, positive practice in relation to the provision of social care in Wales was noted. As a consequence, CIW was approached and agreed to participate in further fieldwork in Wales. HMP Cardiff was selected with CIW contributing to the fieldwork within the prison and interviews with relevant officers of Cardiff City Council.¹ Further positive practice in relation to assessment and care planning was noted. The findings from this inspection have been included in a thematic report published in October 2018.

Social care in prisons in England and Wales – Thematic report October 2018:

<https://www.justiceinspectrates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/10/Social-care-thematic-2018-web.pdf>

Following publication of the report an action plan was agreed.

¹ Thematic inspection fieldwork (December 2017) took place prior to the implementation of the 2016 Act. Although local authority’s duties in respect of social care under the 2014 Act had begun health providers who were then the deliverers of social care in Welsh prisons were not required to register with CIW at that time.

Action Plan: HMP Thematic – Social Care in Prisons in England & Wales:

<https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/10/Action-Plan-Social-Care-in-Prison.pdf>
<https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/10/Action-Plan-Social-Care-in-Prison.pdf>

Implementation of relevant recommendations are currently being followed up with relevant local authorities in Wales through CIW routine performance review activities. Additionally, a cohort of prisoners and social care staff have participated in a focus group during our thematic inspection: prevention and promotion of independence for older adults. It is too soon to comment on outcomes from these activities at this time.

To help inform our performance review activities CIW has recently undertaken an informal survey with relevant local authorities about arrangements for the delivery of care and support provision across the Welsh adult secure estate.

HMI Prison	Current arrangements	Comment
HMP Cardiff	Current delivery is through healthcare assistants (Health Board)	Level of need for social care is low due to transitory nature of the population of prisoners. Contingency arrangement has been scoped and if required, domiciliary support would be provided by local authority “in house” team.
HMP Usk & Prescoed	Local authority “in house” domiciliary care when required.* Also have a ‘buddy’ scheme for prisoners to provide support to others prisoners (PSI 17/15).	Demand is low.
HMP Berwyn	Current delivery is through healthcare assistants (Health Board).	Limited demand to date; should demand increase, formal arrangements will be needed.
HMP Parc	Commissioned by local authority, delivered by G4S Healthcare.	Arrangements under review – discussions between CIW, local authority, G4S and Welsh Government regarding registration of the service.
HMP Swansea	None	Support has not been requested; the local authority will decide who will provide support if a request is received

*Since February 2019, Monmouthshire County Council’s “in-house” domiciliary support service has been registered with CIW under the 2016 Act. This service includes within its statement of purpose delivery of domiciliary care services to prisoners at HMPs Usk & Prescoed. It has not yet been necessary to undertake a scheduled inspection of this service. The service is currently compliant with regulations.