



HM Prison &
Probation Service

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

Action Plan Submitted: 17 December 2018

A Response to the HMIP Inspection – Social care in Prisons in England & Wales

Report Published: 16 October 2018

INTRODUCTION

HM Inspectorate of Prisons (HMIP) is an independent inspectorate which provide scrutiny of the conditions for and treatment of prisoners. They report their findings for prisons and Young Offender Institutions across England and Wales to Ministry of Justice (MOJ) and Her Majesty's Prison and Probation Service (HMPPS). In response to the report HMPPS / MOJ are required to draft a robust and timely action plan to address the recommendations. The action plan confirms whether recommendations are agreed, partly agreed or not agreed (see categorisations below). Where a recommendation is agreed or partly agreed, the action plans provides specific steps and actions to address these. Actions are clear, measurable, achievable and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on the HMPPS web based Prison Finder. Progress against the implementation and delivery of the action plans will also be monitored and reported on.

Term	Definition	Additional comment
Agreed	All of the recommendation is agreed with, can be achieved and is affordable.	The response should clearly explain how the recommendation will be achieved along with timescales. Actions should be as SMART (Specific, Measureable, Achievable, Realistic and Time-bound) as possible. Actions should be specific enough to be tracked for progress.
Partly Agreed	Only part of the recommendation is agreed with, is achievable, affordable and will be implemented. This might be because we cannot implement the whole recommendation because of commissioning, policy, operational or affordability reasons.	The response must state clearly which part of the recommendation will be implemented along with SMART actions and tracked for progress. There must be an explanation of why we cannot fully agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.
Not Agreed	The recommendation is not agreed and will not be implemented. This might be because of commissioning, policy, operational or affordability reasons.	The response must clearly state the reasons why we have chosen this option. There must be an explanation of why we cannot agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.



ACTION PLAN: HMCIP THEMATIC REPORT – SOCIAL CARE IN PRISONS IN ENGLAND AND WALES

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned	5. Responsible Owner	6. Target Date
	To the Secretary of State for Justice				
1	The Secretary of State for Justice should lead coordination of cross-departmental work to develop a strategy for delivering social care in prisons in England and Wales.	Not Agreed	<p>The Care Act 2014 and the Social Services and Well-being (Wales) Act 2014 clarify that Local Authorities are responsible for ensuring that social care for adults in prisons is provided on an equivalent basis to that for people living in the community, not the Ministry of Justice or HMPPS.</p> <p>Local Authorities in England and Wales that have a prison within their geographical area are responsible for assessing and meeting the eligible social care and support needs of adult prisoners detained in their areas. For this reason, we are not able to accept this recommendation, but nevertheless recognise the importance of this issue.</p> <p>The Ministry of Justice recognises that the number and proportion of the prison population that are older prisoners (defined as 50 and over) has increased and is projected to keep growing. This cohort of prisoners are likely to have greater social care needs and the Ministry of Justice will work with the Department for Health and Social Care, the Ministry for Housing Communities and Local Government and the Welsh Government to consider options to respond to these needs.</p> <p>HMPPS in Wales will continue to work closely with Welsh Government and Local Authorities to ensure that offenders in Welsh prisons receive social care support which is consistent with support in the community and which makes the most effective use of social care resources across Wales.</p> <p>Ongoing discussions are taking place at the multi discipline cross government Social Care in Prisons Task and Finish Group which is working in partnership to meet the joint actions for all partners.</p>	<p>Rehabilitation Systems and Change Group</p> <p>Justice Analysis and Offender Policy Group</p>	



	To prison governors/directors				
2	All prisons and local authorities in England and Wales should develop an MOU, in line with existing policy, and ongoing joint working arrangements with their local authority to ensure that the social care needs of prisoners are met.	Agreed	<p>Prisons must agree and complete a Memorandum of Understanding, (MoU) with relevant Local Authorities and providers of care and support services, that documents the local arrangements in place for social care services, including dispute procedures in line with Prison Service Instruction (PSI) 04/2012- Enablers of Services in Prison.</p> <p>The services that the Local Authority provider will offer and the requirements on the establishment to enable the effective provision of this service, should be set down in a document agreed and signed by the Prison Governor, the Local Authority and their providers. Regular assurance will be undertaken by prison groups to ensure these are in place and up-to-date.</p> <p>Assurance is also required that Local Authorities are members of all Prison, Health and Social Care Partnership Boards taking place quarterly in all prisons, and this feeds into national assurance checks. By March 2019 all MOUs will be in place and assured nationally. This has already been achieved in Wales. HMPPS, Department of Health and Social Care (DHSC) and Welsh Government will continue to support those Partnerships to remove barriers to delivering their responsibilities.</p> <p>HMPPS is unable to mandate Local Authorities to sign MOUs. However, we continue to work with partner agencies; this includes the Association of Directors of Adult Social Services in England (ADASS) Criminal Justice Network, DHSC and the Association of Directors of Social Services (ADSS) Cymru and Welsh Government to ensure all regions have a signed and up to date MOU.</p> <p>We cannot performance manage the Local Authority, but will facilitate good partnership working through '<i>contractual mechanisms</i>' and/or '<i>performance management frameworks</i>' with the establishment and prison group directors.</p>	<p>Prison Directorate</p> <p>Rehabilitation Systems and Change Group</p> <p>HMPPS, DHSC and Welsh Government</p>	March 2019
	Identification of need and assessment				
3	All prisons and local authorities should implement prompt, ongoing and effective systems for identifying the social care needs of prisoners throughout their stay in	Agreed	<p>Legislation, policy and PSI 15/2015 – Adult Social Care mandates all prisons to implement effective systems to identify social care needs on entry to custody, during their time in custody and in preparation for release or transfer to another establishment. This is supported by guidance issued by the Department of Health and Social Care and Codes of Practice issued by the Welsh Government.</p>	<p>Prison Directorate</p> <p>Rehabilitation Systems and Change Group</p>	April 2019



	prison, which should include the ability of prisoners to self-refer. This process should begin at reception.		<p>HMPPS and partners will consider social care needs on reception as part of the review of PSI 07/2015 – Early Days.</p> <p>Work to ensure that all men and women are able to make self-referrals is underway to secure consistency in the application of the agreed local arrangements within the MOU. This will be completed by April 2019. Effective Prison, Health and Social Care Partnership Boards provide a forum to drive co-operation and improvement amongst the delivery agencies. In Wales this is supported by effective joint working between HMPPS in Wales and the Welsh Government</p>	<p>Deregulation and Operational Policy Team, MOJ</p> <p>HMPPS, DHSC and Welsh Government</p>	
	Care planning and delivery				
4	<p>The social care support needs of prisoners should be met from the moment a need is identified. Prisoners should not be subject to administrative delays or unnecessarily lengthy processes.</p>	Partly Agreed	<p>The Care Act 2014 and the Social Services and Well-being (Wales) Act 2014 clarify that Local Authorities are responsible for ensuring that social care for adults in prisons is provided on an equivalent basis to that of people living in the community.</p> <p>The Statutory Guidance and Codes of Practice set out clear responsibilities to ensure clear information and processes are in place to identify and address eligible needs at the earliest opportunity. Prison, Health and Social Care Partnership Boards provide a forum to drive co-operation and improvement amongst the delivery agencies.</p> <p>HMPPS, DHSC and Welsh Government will continue to support those Partnerships to remove barriers to delivering their responsibilities.</p>	HMPPS, DHSC and Welsh Government	Ongoing
5	In line with existing policy, any prisoner providing social care support to another prisoner should be appropriately selected, trained and supervised.	Agreed	<p>All prisons should have a peer-to-peer scheme in place to support men and women with social care needs. Nationally, implementation is varied and we accept that some establishments do not have schemes in place. Checks will be conducted in early 2019 to ensure all establishments are compliant.</p> <p>In areas of good practice, Local Authorities and prisons work together to train, manage and support “buddies”; either by Local Authorities working with prisons in selection, training and on-going supervision of buddies; or through joint funding of external organisations to deliver these services on our behalf.</p> <p>In May 2018, MOJ and HMPPS launched guidance for peer-to-peer schemes with supporting operational tools for all prisons. This has been shared with Local Authorities.</p>	<p>Equalities Interventions and Operational Practice Group</p> <p>Justice Analysis and Offender Policy Group</p>	Completed



	Adapting the environment for social care				
6	All prisons should make reasonable and appropriate physical adaptations to promptly meet the social care needs of prisoners.	Agreed	We accept that adjustments are needed where this is reasonable and appropriate, but we also know that other, imaginative, approaches can help to accommodate the social care needs of prisoners. We published a Model for Operational Delivery for older prisoners in April 2018, which describes what a good quality service could look like for these men, including those with social care needs, and seeks to encourage Governors and Directors to make appropriate adaptations to the environment and regime, according to the needs of their prisoners.	Prison Directorate Rehabilitation Systems and Change Group	Completed
7	Those prisons unable to provide appropriate physical environments suitable for social care should have arrangements in place to transfer prisoners to appropriate establishments which can quickly meet their needs.	Agreed	There are complexities in arranging transfers to meet the social care needs of men and women as establishments must locate the most appropriate establishment to meet the needs of an individual including consideration of the fabric of the estate and the robustness of social care delivery and regime that supports maximum engagement. HMPPS will lead national work with Heads of Observation Categorisation and Allocation (OCA) to deliver awareness training of social care and safe guarding around appropriate transfers. The first of these took place in September 2018, with others planned over the following six months.	Prison Directorate Rehabilitation Systems and Change Group	April 2019
	Continuity of packages of care				
8	Prisons and local authorities should ensure that processes are in place for the smooth transfer of prisoners with packages of social care to other establishments and on release into the community. This should include effective information sharing.	Agreed	HMPPS is continuing to support development of practice to provide for the onward journey for those in our care. Further work is being undertaken to support estate reconfiguration. HMPPS Rehabilitation and Assurance Group is currently working with OCA departments to implement good practice and guidance. Our national communication and training work will be supported by the release of the thematic inspection report. Areas for consideration include promoting early transfers of those with social care need so that they arrive in the receiving establishment before 2pm; advice to limit any transfers of those with social care needs to Monday to Thursday where possible; and activity to provide timely advice to Local Authorities delivering social care within sending establishments, in order to transfer care and supporting equipment to receiving Local Authorities. There are different styles of services and understanding of the transferring arrangement as a result of the number of Local Authorities involved.	Prison Directorate Rehabilitation Systems and Change Group HMPPS, DHSC and Welsh Government	April 2019



			<p>Accordingly, we are continuing to deliver national support and guidance on this area, and seeking local assurance around what transfer protocols and governance are in place.</p> <p>In Wales, HMPPS continue to work with Welsh Government and Local Authorities to help ensure that an effective partnership approach is in place.</p> <p>DHSC do not performance manage local government. DHSC would support HMPPS to work with ADASS</p> <p>Information sharing requirements are addressed in MOUs and will be addressed through the response to 1.4 above.</p>		
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Recommendations	
Agreed	6
Partly Agreed	1
Not Agreed	1
Total	8

