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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/EM/1562/21

Russel George MS
Chair
Health and Social Care Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

27 August 2021

Dear Russell,

HEALTH, SOCIAL CARE AND SPORT COMMITTEE'S REPORT ON HEALTH AND SOCIAL CARE PROVISION IN THE ADULT PRISON ESTATE IN WALES

Please see attached our response to the recommendations made by the previous Senedd Committee's report entitled 'Health and social care provision in the adult prison estate in Wales'. As the Deputy Minister for Mental Health and Wellbeing was a member of the committee at the time, she has noted the response for information on this occasion, to avoid any potential conflict of interest.

The attached document sets out our responses to each recommendation.

Yours sincerely,

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

WELSH GOVERNMENT RESPONSE TO RECOMMENDATIONS FROM THE HEALTH & SOCIAL CARE COMMITTEE: INQUIRY INTO HEALTH AND SOCIAL CARE PROVISION IN THE ADULT PRISON ESTATE IN WALES

AUGUST 2021

Recommendation 1

The Sixth Senedd committee with responsibility for health and social care in the adult prison estate in Wales should seek a response to our recommendations from the Welsh Government in the Sixth Senedd, monitor what progress is being made, and include follow-up work on these issues at an appropriate point in its work programme.

Response: N/A for Welsh Government

This is matter for the Sixth Senedd Committee to consider.

Financial Implications – None. This is a matter for the Senedd Committee.

Recommendation 2

The Welsh Government should provide further information about the membership and work programme of the Prison Health and Social Care Oversight Group (PHSCOG), and commit to publishing the PHSCOG's agendas and minutes on an ongoing basis.

Response: Accept

The Welsh Government will provide information on the Prison Health and Social Care Oversight Group (PHSCOG), as set out in the recommendation. The information will be provided on the Welsh Government's website by the end of October 2021 with accompanying agendas and minutes published at the appropriate time after each meeting.

Financial Implications – None. The staffing and administrative costs associated with undertaking this will be absorbed within administrative budgets.

Recommendation 3

The Welsh Government should work with Her Majesty's Prison and Probation Services (HMPPS) to ensure that the work of the Parc Contract Expiry Board includes the development of robust inspection arrangements that are consistent with the arrangements in place for public sector prisons in Wales.

Response: Accept

We are assured the Parc Contract Expiry Board includes the development of robust inspection arrangements that are consistent with other public sector prisons. The prison and the Local Health Board have re-established the Prison Health and Social Care Partnership Board and if necessary issues that can't be resolved locally can be escalated in line with other prisons to the Prison Health and Social Care Oversight Group.

Financial Implications – None. The staffing and administrative costs associated with ongoing engagement with the Parc Contract Expiry Board will be absorbed within administrative budgets.

Recommendation 4

The Welsh Government should use the first suitable legislative vehicle to bring forward amendments to the Public Services Ombudsman (Wales) Act 2019 to include the Prisons and Probation Ombudsman in the list of bodies with whom the Public Services Ombudsman for Wales can cooperate in an investigation

Response: Accept in Principle

The Welsh Government will discuss this further with Her Majesty's Prison and Probation Services (HMPPS) and the Public Services Ombudsman to explore the implications of amending legislation to expand the remit of the Prisons and Probation Ombudsman (PPO) and for the additional investigative cooperation.

Financial Implications - The financial implications of this will be addressed as part of the negotiations which will take place with the with Her Majesty's Prison and Probation Services (HMPPS) and the Public Services Ombudsman

Recommendation 5

The Welsh Government should make representations to the UK Government to extend the role of the Prisons and Probation Ombudsman

to enable them to question professional and clinical judgement when exercising their function of investigating complaints about health services in privately-run prisons in Wales.

Response: Accept in Principle

The Welsh Government will discuss this further with HMPPS and the Prisons and Probation Ombudsman (PPO) to establish whether there is any flexibility legislatively to expand the remit of the PPO for the additional clinical investigation.

Financial Implications - The financial implications of this will be addressed as part of the discussions which will take place with the with Her Majesty's Prison and Probation Services (HMPPS) and the Public Services Ombudsman

Recommendation 6

The Welsh Government, working with its partners through the PHSCOG, should publish an annual assessment of the extent to which the Partnership agreement objective that prisoners should be able to access health services to an equivalent standard of those within the community is being met.

Response: Accept

The Welsh Government accepts this recommendation with progress to be monitored through the four work streams under the Partnership Agreement for Prison Health. This will establish standards for offender health care that can be compared across prisons and with the community and will be reported on to the Oversight Board with relevant minutes published.

Financial Implications – None. The staffing and administrative costs associated with undertaking this assessment will be absorbed within administrative budgets.

Recommendation 7

The Welsh Government should provide further details about how it will work with partners to promote better communication between justice, health and social care services on prisoners' release dates and release plans, including what roles the PHSCOG and the NHS Wales Special Health Authority for Digital might play in this work.

Response: Accept in Principle

The Welsh Government has worked in partnership with Public Health Wales (PHW) and HMPPS in Wales to publish specific guidance to support prison releases during the pandemic. Welsh Government officials in housing, pharmacy, mental health, Covid-19, substance misuse and primary care all contributed to its development. During the pandemic we saw significant improvements in this area and will seek to embed these going forward.

This included guidance for prisoners who tested positive with Covid-19 or displaying symptoms on release. This guidance helped ensure accommodation, care and transport support is co-ordinated and suitable for those leaving prison who are diagnosed or showing symptoms prior to release. The guidance was first published on 28 April 2020 and subsequently updated in Autumn 2020 to reflect updates process in custody.

The Welsh Government will continue to work with Digital Health and Care Wales to explore options for the use of IT systems to support better improved information sharing in this respect.

Financial Implications – None. The staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 8

The Welsh Government should provide an update on what consideration has been given to adopting in Welsh prisons the approach in England to ensure prisoners' pre-prison medical records are available to prison health services.

Response: Accept in Principle

The Welsh Government will review the approach in England and establish a working group to considered adoption of this in Wales.

Financial Implications - Any financial implications will depend on the findings of the review of the work in England and then how any approach could be adopted in Wales.

Recommendation 9

The Welsh Government should establish a national performance indicator for attendance at health care appointments, and should work with its partners through the PHSCOG to facilitate the sharing of learning and best practice in respect of the reasons for missed appointments and measures that can be taken to ensure that all prisoners are able to access the health services that they need in a timely fashion.

Response: Accept

A national performance indicator will be developed and a working group will be established to review this recommendation. We will work closely with partners to gather consistent data in this area and share best practice. These reports will also be shared for discussion at the Prison Health and Social Care Oversight Group.

Financial Implications – The staffing and administrative costs associated with establishing a working group will be absorbed within administrative budgets. However, financial implications for the development of the indicator will be addressed as part of the discussions within the working group.

Recommendation 10

The Welsh Government should set out how progress against the priority in the Partnership agreement in respect of mental health will be monitored, including how the contribution of the new national standards will be assessed and whether the ‘national standard’ approach offers any learning for the approach to the provision of other health or social care within the secure estate in Wales.

Response: Accept

As part of plans to implement new mental health standards in the prisons, there will be an ongoing focus on outcomes. The intention is to implement the new standards over a period of 12 months, beginning in 2022. As part of this work, we will review the progress of the new standards to the provision of care and treatment to the men in prison. To support equivalence, where appropriate, it will be important to use the same indicators being developed as part of the Mental Health Core data set to monitor access to services and mental health outcomes in the prisons.

Financial Implications - The staffing and administrative costs associated with this work will be absorbed within administrative budgets. In addition, the development of work on the standards is currently being undertaken by the Royal College of Psychiatrists, under contract to Welsh Government.

Recommendation 11

The Welsh Government should write to the Sixth Senedd committee with responsibility for prison health care to provide details of the secure in-patient strategy developed under the revised Together for Mental Health Delivery Plan, outline any additional secure bed capacity that will be delivered as a result, and explain how the subsequent impact on waiting times will be monitored.

Response: Accept

The Welsh Government has recently revised and republished the Together for Mental Health Delivery Plan in response to the impact of COVID-19. The revised plan includes an audit of current secure in-patient provision and a commitment to develop a secure in-patient strategy for Wales. It is anticipated that the audit will be completed and will make recommendations regarding mental in-patient secure services (adults and children and young people) by October 2021.

Financial Implications – None. The staffing and administrative costs associated with this recommendation will be absorbed within administrative budgets.

Recommendation 12

The Welsh Government should set out the anticipated timescales for the development of the standardised clinical pathway for the management of substance misuse in prisons, including how the planned approach to engaging with key stakeholders will be revised to ensure that it is not unduly delayed by the public health restrictions arising from the COVID-19 pandemic.

Response: Accept

In line with the Welsh Government's Substance Misuse Delivery Plan 2019-22, PHW has been commissioned to prepare a revised draft of the "Treatment of Offenders" Substance Misuse Treatment Framework (SMTF) to the Welsh Government. The draft SMTF will be considered as part of engagements events PHW will resume following postponement due to COVID-19. Engagement with all relevant prison and community-based roles through virtual workshops during

Phase 1 took place in May/June 2021 and focused on describing the clinical management pathway and identifying barriers and solutions to effective and equitable implementation.

The findings from Phase 1 are being collated and shared with the task and finish group which oversees the development of the framework. Phase 2 workshops will involve cross setting/cross discipline/role engagement to address implementation issues across the prison estate and ensuring issues of continuity of care, information management and ongoing monitoring and evaluation. Phase 2 workshops will be undertaken during September/October 2021. The aim is to provide a final draft of the SMTF to Welsh Government for Ministerial approval by December 2021.

Financial Implications - The staffing and administrative costs associated with this work will be absorbed within administrative budgets. In addition, the development of work on the standards is currently being undertaken by PHW, under contract to Welsh Government.

Recommendation 13

The Welsh Government should provide an update on the Deep Dive Group's revised priorities and work plan, including how its progress in removing barriers faced by prisoners and ex-offenders with co-occurring substance misuse and mental health issues who are seeking to access support in prison or post-release will be monitored.

Response – Accept in Principle

The Substance Misuse/Mental Health Deep Dive group is currently updating its work plan, which is focussed on ensuring access to community based services for all individuals, including ex-offenders. We will provide an update on the work of the group to the Committee by March 2022, including monitoring arrangements. The key focus of this group is to remove barriers to accessing integrated, wrap around services for all groups within the community which will include but not specifically aimed at ex-offenders.

In addition, The “Treatment of Offenders” Substance Misuse Treatment Framework focusses on and addresses the issues directly relating to prisoners with co-occurring substance misuse and mental health issues.

Financial Implications – None. The staffing and administrative costs associated with this work will be absorbed within administrative budgets.

Recommendation 14

The Welsh Government should write to the Sixth Senedd committee with responsibility for prison health care to provide an update on discussions with HMPPS about the potential benefits of establishing an Expert Advisory Group for Medicines.

Response: Accept

We will take this work forward as part of the joint Welsh Government/HMPPS Partnership Agreement Medicines Management Work stream, which is creating consistent standards for prescribing across the prisons and will be informed by Expert Advisors for Medicines.

Financial Implications - The staffing and administrative costs associated with this work will be absorbed within administrative budgets. In addition, the development of work on the standards is currently being undertaken by the Royal Pharmaceutical Society, under contract to Welsh Government.

Recommendation 15

The Welsh Government should work with partners to develop and implement a dementia pathway for prisoners held in Wales. This should include the introduction, as a matter of urgency, of screening and early diagnosis for dementia in public sector prisons in Wales, as well as arrangements to ensure that people who are diagnosed with dementia receive the care and support they need.

Response: Accept

The mental health standards for the prison include a specific focus on dementia. The standards for dementia support in the prisons reflect the recently published dementia standards for the community.

<https://phw.nhs.wales/services-and-teams/improvement-cymru/news-and-publications/publications/dementia-standards/>

Financial Implications - The staffing and administrative costs associated with this work will be absorbed within administrative budgets. In addition, the development of work on the standards is currently being undertaken by the Royal College of Psychiatrists, under contract to Welsh Government

Recommendation 16

The Welsh Government should work with partners within the health work stream of the Parc Contract Expiry Board to ensure that the service specification for health and social care services at HMP Parc includes screening and early diagnosis for dementia, and arrangements to ensure that people who are diagnosed with dementia receive the care and support they need.

Response: Accept

The Health Specification for HMP Parc is currently being developed by HMPPS in Wales in collaboration with Cwm Taf Morgannwg University Health Board, the Welsh Government and other key stakeholders. It includes a specific focus on the needs of older men in prison and the need for a dementia pathway.

Financial implications – None. The staffing and administrative costs associated with the engagement with the Parc Contract Expiry Board will be absorbed within administrative budgets.

Recommendation 17

The Welsh Government should work with partners through the PHSCOG to develop and implement training for prison staff—including those providing health and social care services—on supporting older prisoners and prisoners with dementia.

Response: Accept

Plans to provide dementia training for National Health Service (NHS) and HMPPS staff were put on hold in light of the pandemic. This is a priority in the Recovery Plan drafted for the prisons in Wales. It is also a commitment in the Welsh Government's Action Plan for Dementia. Welsh Government officials are engaging with members of the Learning and Development Sub Group of the Dementia Oversight of Implementation and Impact Group (DOIIG) to take this important commitment forward, as we enter a recovery phase for the prisons.

Financial implications - The staffing and administrative costs associated with making undertaking this work will be absorbed within administrative budgets. Discussions with the Learning and Development Sub Group of the DOIIG will ascertain some of the costs of implementing this training.

Recommendation 18

The Welsh Government should set out how the PHSCOG's agreed national priorities for older prisoners will be integrated into the priorities set out in the Partnership agreement, what actions will be taken to implement them, and how any improvements in the approach to meeting the needs of older prisoners will be monitored and assessed.

Response: Accept

As the Committee has identified, equivalent rights are owed to those in the secure estate as they are to those in the external community. That requires leadership across all partners in Wales to deliver those rights. The PHSCOG is delivering work stream activities such as the Prison Environment and the development of the Dementia Pathway. This will enable prisoners and the workforce to identify opportunities and address the challenges that have a distinct impact on older prisoners as part of coherent and integrated whole-prison approach.

The Welsh Government will also continue to lead, facilitate and empower partners to embed those rights through planning, commissioning and delivery activity at every level. Prison Health and Social Care Partnerships provide a cross-sector environment to identify barriers and to build and share solutions that improve outcomes for prisoners across the secure estate in Wales. The PHSCOG will continue to provide leadership and support for Partnerships to achieve their priorities.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 19

The Welsh Government should work with partners through the PHSCOG to prioritise activities within the prison environment workstream according to their respective urgency and importance. This should include identifying any quick wins or learning arising from changes to prison environments or regimes during the pandemic, and ensuring that there are no unnecessary delays in implementing improvements that could positively affect prisoner health and wellbeing.

Response: Accept

Within the context of the joint Welsh Government/HMPPS Partnership Agreement, work on improving the Prison Environment work stream is ongoing and led by HMPPS. The prison response to the pandemic will be included as key

learning, and we will capture what changes took place as well as what new practices we want to keep and expand. The forward plan for this work stream is under review to ensure that the interventions with the biggest impact will be undertaken first. Updates on progress under this workstream are provided to the PHSCOG.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 20

The Welsh Government should set out how the joint health and social care workforce strategy published in October 2020 will address recruitment and retention issues in respect of the prison health and social care workforce.

Response: Accept

The Health Education and Improvement Wales and Social Care Wales workforce strategy, launched in October 2020, establishes a system wide workforce transformation and ensure workforce sustainability for the future. The reach of workforce development within the strategy will extend to health board employed staff providing prison healthcare.

Further development will be informed by the outcomes of our recent consultation on improving social care arrangements and strengthening partnership working which reinforced how the continuity of the social care workforce has a significant impact on the well-being outcomes people achieve.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 21

The Welsh Government should reach agreement with the UK Government on the establishment of a fair, sufficient and sustainable baseline Health and social care provision in the adult prison estate in Wales for funding via the Welsh Block of the health care provision in the public sector prisons in which the Welsh Government has responsibility for health care provision. This should be underpinned by robust and evidence-based assessments of the health care needs in these prisons, and should include an uprating mechanism that is sufficiently flexible to take account of inflation, the forecasted prison population, and any changes in health care needs.

Accept in Principle

The Welsh Government will consider this recommendation in more detail and work with HMPPS with a view to strengthening the assessment of health care needs in prisons. Once undertaken, consideration will be given on how best to present this back to the UK Government (MoJ) to support future funding discussions.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets. The costs of implementation will depend on discussions with the UK Government.

Recommendation 22

Regardless of how health care in each prison in Wales is funded, the Welsh Government should work with relevant partners through the PHSCOG to collate, review and publish information about the costs of health care provision across all six prisons in Wales, and to facilitate benchmarking and the sharing of best practice.

Response: Accept

Following the Health, Social Care and Sport Committee session in January 2020 (attended by the Minister for Health and Social Services), the Welsh Government wrote to the relevant Health Boards regarding funding for primary and secondary healthcare services in the prison estate. Information was requested on costs associated with providing primary and secondary health services in the prisons, which were being met by the Health Boards (including annual capital, revenue and staffing costs for providing healthcare). However, collecting this baseline information was postponed in light of the pandemic. We will be requesting an update from the relevant Health Boards on this issue by the end of November 2021 this year.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 23

The Welsh Government should monitor the level of demand, provision and spend in respect of social care provision in prisons in Wales, and should provide assurances to our successor committee in the Sixth Senedd that neither the funding model nor the overall level of funding are preventing people held in Welsh prisons from accessing the care and support they need.

Response: Accept in Principle

Every prisoner has the same rights as those in the community to an assessment of their needs for care and support under the Social Services and Well-being Act 2014 and for their eligible needs to be met. The Prison Health and Social Care Partnerships provide cross-sector scrutiny and accountability to ensure those rights are secured. We will consider how those roles and outcomes can be reflected and aligned with the re-assurances provided as part of the arrangements under recommendation 6 and similar recommendations made by the Committee.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 24

The Welsh Government should set out the timescales within which it anticipates restarting work on the development of a set of national performance indicators, by when it expects the indicators to be in place, and how and when performance against the indicators will be reported and published.

Response: Accept

Work on the development of a set of national performance indicators had been paused as priorities shifted during the pandemic response. The Welsh Government has now resumed this key piece of work, and will create a draft set of indicators over the next twelve months. Following this, performance against the indicators will be reported and published every 12 months.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 25

The Welsh Government, working with partners through the PHSCOG, should identify, develop and regularly publish Wales-specific datasets in respect of the current and forecast prison population.

Response: Accept in Principle

This is a matter for HMPPS to consider taking forward as it relates to the prison population.

The Welsh Government has contacted HMPPS in Wales who have agreed to re-establish a working group to identify where the current data gaps are and develop ways to consistently access this data for all Welsh Prisons and to regularly publish the data sets. The Welsh Government and PHW will be invited to join this group as key members.

Financial Implications – None. This is a matter for HMPPS.

Recommendation 26

The Welsh Government should include within its COVID19 dashboard information about the number of COVID-19 cases and deaths among prisoners held in Wales, and the number of COVID-19 vaccinations offered and taken up among the prison population.

Response: Accept

This information is monitored and held by PHW. Welsh Government officials work with PHW and other partners to consider whether, and how, this can be fed into the Welsh Government's Covid Dashboard.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.

Recommendation 27

The Welsh Government, working with partners through the PHSCOG, should consider what could be learned from ways of working adopted during the pandemic, including the potential contribution of digital and remote technologies to improving prisoners' access to health and social care services.

Response: Accept

There are a range of actions that have been undertaken in response to the pandemic. This includes approval for the use of Attend Anywhere remote consultation software in Welsh prisons, the use of consultant Connect, and providing access to the Community Advice & Listening Line (C.A.L.L) Mental Health Helpline for Wales in all prisons in Wales and a reworking of pharmacy services to be delivered safely during the pandemic. In addition, the use of injectable buprenorphine was introduced as part of 'Through the Gate' planning for those with opioid dependency. Consideration is, and will be, given on ensuring that areas of best practice are adopted where appropriate.

Financial Implications - the staffing and administrative costs associated with undertaking this work will be absorbed within administrative budgets.