

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

19 JULY 2016

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

SOCIAL SERVICES' FUNCTIONS IN RELATION TO PART 11 OF THE SOCIAL SERVICES AND WELLBEING (WALES) ACT 2014 UPDATE

1.0 Purpose of Report

- 1.1 To update the Committee on the Local Authority's responsibilities in respect of the Secure Estate, following the implementation of the Social Services and Wellbeing (Wales) Act in April 2016.
- 1.2 To advise that the Social Services and Wellbeing Directorate will be seeking approval from Cabinet :
 - to enter into a Memorandum of Understanding (MOU) with HMP Parc Prison for the Provision of Care and Support for prisoners in the Secure Estate and agreement to sign up to an interagency Information Sharing Protocol (ISP).
 - for a waiver under Rule 3.2.3 from the requirement to seek competitive tenders for the provision of care and support on the basis that there is technically only one organisation which can deliver this service.

2.0 Connection to Corporate Plan

- 2.1 This report links to the following improvement priorities in the Corporate Plan 2016-20:
 - Helping people to be more self-reliant;
 - Smarter use of our resources.

3.0 Background

- 3.1 The Social Services and Wellbeing (Wales) Act 2014 came into force on 6th April 2016, and accordingly changed the Authority's responsibilities for people in prison. From April 2016, local authorities are responsible for addressing and meeting the care and support needs of all adults and children in the secure estate not just upon discharge but while they are in custody. This is a significant change and additional responsibility for the Local Authority as the Act applies equally to those in the secure estate as for those individuals in the community.
- 3.2 Part 11 of the Social Services and Wellbeing Act (Wales) 2014, applies to adults in prisons, approved premises or bail accommodation in Wales

(including those over 18 in youth detention accommodation) and children in youth detention accommodation or bail accommodation in England and Wales.

- 3.3 For Bridgend County Borough Council, which has a training and resettlement prison accommodating 1723 males from the age of 18, within its boundary, this means that all offenders over the age of 18 are deemed to have 'ordinary residence' and the Council is responsible for meeting the care and support needs of individuals with eligible needs. Work is ongoing to determine the numbers of people who are going to be eligible for care and support from Bridgend County Borough Council.
- 3.4 Over the last year the Social Services and Wellbeing Directorate has been planning, in partnership with all agencies involved, how these obligations for the secure estate population will be met and how the needs of the prison population and the prison regime will be met (see further detail below and local implementation plan in **Appendix A**).

Adults within the Secure Estate

- 3.5 Welsh Government has issued a Code of Practice which sets out the requirements on Local Authorities in the exercise of their social services functions in respect of those being held in custody, bail accommodation and on release.
- 3.6 The responsibilities for the Local Authority, in line with the responsibilities under the Social Services and Wellbeing (Wales) Act, are as follows;
- Completing care and support assessments for prisoners;
 - Producing care and support plans (with prison and healthcare involvement);
 - Providing care and support services for those with eligible needs;
 - Specialist and moveable items (e.g. walking frames, hoists);
 - When a prisoner is to be released, or transferred to a different prison, to work with the local authority that they are moving to, ensuring continuity of care and support.
- 3.7 What this means for Bridgend County Borough Council:
- Information, advice and assistance must be provided to those in the secure estate while they are detained, in preparation for and on release;
 - Preventative and wellbeing services must be provided to those in the secure estate as for those in the community;
 - For those whose care and support needs cannot be met by signposting to preventive and wellbeing services, the Local Authority must find ways to undertake the assessment of those in the secure estate;
 - Collaboration with partner organisations such as Health, Housing, Third Sector and Education is required to ensure a consistent and consolidated response;

- The Authority should consider the value of developing an integrated approach with Health to respond to the health and social care needs;
- The Authority should consider the needs of the wider family and ensure that arrangements are in place for family/carers to raise concerns about care and support needs;
 - The approach to assessment will be the same for people in the secure estate as it is for people in any other part of our community and liaison with carers and family will be undertaken in the usual way. However, there are limitations on the rights of carers for people in the secure estate, for example there is no obligation to provide support plans for carers of people in the secure estate. Information leaflets have been developed for prisoners and these are being made available by the prison. Families can contact Adult Social Care about people whom they have concerns in the usual way by contacting the referral management centre.
- The National Assessment and Eligibility Tool that will be developed for use across Local Authorities in Wales will be equally applicable for those in the secure estate;
- The National Pathways that have been developed for adults and children should be adopted to ensure consistency of outcomes for those who require care and support;
- The Authority must provide an appropriate staff resource that is appropriately skilled and trained to meet the duties under the 2014 Act;
- The Authority must liaise with other Local Authorities where there is more than one Authority involved and where an individual intends to resettle in another area. There are two different processes for people returning to their place of residence which may be in a different area and for those who wish to be domiciled in Bridgend County Borough. The release of prisoners is a planned process over 12 weeks involving a multiagency approach. If the prisoner is to settle in the Bridgend area there will be a care and support plan developed in the same way as any other resident in Bridgend. If the person is returning to another area they become the responsibility of the area from which they are from in which case the team we are developing will liaise closely with that local authority.

Children and Young People in the Secure Estate

- 3.8 Unlike with adults, the responsibilities of local authorities in respect of the care and support of children in the secure estate depends on previous involvement of social services, the ordinary residence of the child and where they are detained. This will be the subject of a future report to the Children and Young People Overview and Scrutiny Committee.

4.0 Current Situation

Implementation

- 4.1 Welsh Government has a National Steering Group on the implementation of responsibilities for the four local authorities affected in Wales, (Swansea, Cardiff, Monmouthshire and Bridgend); the Head of Adult Social Care

represents Bridgend on this group. Welsh Government facilitated, in Swansea, a regional workshop in February 2016 on *supporting implementation of care and support to adults on release from the secure estate and resettling into the community*. The workshop was mainly about information sharing. There is currently national work to commission specific training modules for people working within the secure estate which is being developed by the Care Council for Wales in partnership with the Institute of Public Care.

Regional Collaboration

- 4.2 Part 9 of the Act sets out partnership arrangements and these apply to those individuals in the secure estate. There is a need to establish an integrated approach with criminal justice agencies and their existing networks, to both support the individual's care and support needs and to reduce the risk of offending behaviour.

Care and Support for Adults

- 4.3 The Local Implementation Group in Bridgend is well-established with all affected stakeholders represented; the group has focused on readiness for implementation and a local implementation plan has been developed. (**Appendix A**). In order to meet the duties and responsibilities required by the Act a pilot approach to implementation, between April and December 2016, has been agreed. To date, two senior social work practitioners and a senior Occupational therapist have been appointed on temporary nine-month contracts to carry out assessments and develop managed care and support plans for people within the secure estate, as well as support the work of the existing health board mental health in-reach team; in addition we are currently recruiting for administrative support to work with the team.
- 4.4 The commissioning of care within the secure estate presented a number of problems in terms of the Care Standards Regulations, which have now been resolved with the support of the Care and Social Services Inspectorate for Wales; and how care will be delivered has been subject to discussions with the prison.
- 4.5 In order to enable the establishment of the secure estate service, work has progressed on resolving many of the governance issues associated with the development of this service and a draft Information Sharing Protocol (ISP) and draft Memorandum of Understanding (MOU) have been developed with a view seeking formal approval to progress and implement, once agreed across organisations. A report will be presented to Cabinet in July asking for agreement to the MOU and Information Sharing Protocol (ISP). Issues around the referral process and protocols and data collection have been agreed; this process is not been straightforward because of the significantly challenging ICT issues associated with the required security at HMP Parc.
- 4.6 In preparation for the assumption of new responsibilities under the Act, a mapping exercise was completed on prisoners who may have been eligible for managed care and support; this exercise indicated that in May there were 20

people waiting for integrated assessment and 40 requiring assessment for aids and equipment to support their daily living. The ambition is for responses to be similar to those for people who are not living in the secure estate. During the implementation period, people have been identified who now require an assessment and potentially a care and support plan; once through this period there will be a better understanding of the weekly demand for assessment and implementation of support. All the assessment, care costs and equipment for social care is now the responsibility of the Local Authority; these needs, prior to the implementation of the Act, would have been met by the prison.

- 4.7 The Team has commenced working in the Prison and an example of the type of people that the team has worked with to date, is a prisoner who was a patient of the Health Board and needed to return to the prison for his long term care and support; in order for him to return he was assessed as needing a room that will be 11 x 12' in order to ensure there was room for hoisting equipment required and a profiling bed and mattress, there was also a possibility he could have needed a tracked hoists. The care required for this person was four double handling calls per day for care and support.
- 4.8 Local Authorities are already working in partnership with HMP Parc via the Big Lottery Funded project Invisible Walls Wales. The project works with whole families affected by parental imprisonment with an aim of reducing the risk of re-offending, improving outcomes for children and families and reduce the risk of intergenerational offending. The project supports families across South Wales. A social worker is attached to the project from Bridgend CBC and provides advice and assistance for staff who are working directly with families in respect of Child Protection issues. This project is funded until May 2017 at which point decisions will be made by G4S as to whether the project will receive ongoing funding; if funding is identified for this post, it could provide a resource to undertake the assessments in the future.
- 4.9 There is already a Prison Health Partnership Board which plans and delivers health care services to meet the prison's population's needs. Work is progressing on the following:
- that the terms of reference for this Board are extended to include delivery of care and support needs;
 - that the Council's responsibilities to the secure estate in the Housing (Wales) Act 2014 are aligned with the responsibilities for social care and support;
 - Governance arrangements that clarify the roles and responsibilities of stakeholder organisations such as National Probation Service, Prison Service, Community Rehabilitation Company and the National Offender Management Service

Resource Requirement in the Longer Term

- 4.10 Subject to Cabinet's approval to enter into a short term agreement with G4S Medical Services Ltd, it is planned that this pilot scheme will continue for up to nine months. The intention is to evaluate the most effective way to continue to

deliver and manage this service in order to determine the resources required to respond to the actual level of demand once it has been established.

The Memorandum of Understanding

- 4.11 The Memorandum of Understanding (MOU) will set out the shared strategic intent and joint commitment of Bridgend County Borough Council, with Abertawe Bro Morgannwg University Health Board, HMP and YOI Parc under the leadership of G4S, and National Offender Management Service (NOMS) to work together, to ensure people in the secure estate, within the County Borough of Bridgend, have access to appropriate social care support.
- 4.12 The MOU states that all agencies will work together to make long-term improvements to information sharing arrangements in order to ensure and deliver high quality, well co-ordinated social care interventions and support.
- 4.13 The provision of care and support to people in the secure estate has proved to be a complex matter to arrange, in terms of the commissioning of services for prisoners and the existing regulatory requirements in Wales on the provision of domiciliary care. There are many challenges in delivering care and support within the secure estate that have to be overcome. A proposal to resolve the delivery of care in this environment will be going to Cabinet for decision in July 2016. Until April 2016, the responsibility for all health and care needs was that of the prison service; from April the social care needs of individuals is the responsibility of the local authority in which the prison is situated. The prison remains responsible for the health care needs of prisoners. In the interim, the prison service is continuing to provide health and social care needs as per the previous arrangements. In addition, the requirements associated with the high level of security at HMP Parc means that it is not possible to commission care in the usual way. Working in partnership with the Care and Social Services Inspectorate Wales and Welsh Government, a way to deliver the provision of care and support in the prison has been in agreed principle and will be implemented, subject to a Cabinet Report seeking formal approval. The report to Cabinet will provide details on the proposed agreement with G4S Medical Services Ltd.

The Information Sharing Protocol (ISP)

- 4.14 The regular sharing of information between the different organisations will be required to enable effective care and support to be delivered. To facilitate this, an ISP has been developed across organisations and supports information sharing by partners involved the care and support of people in the secure estate, as well as the groups of service users it impacts upon. The document details the specific purposes for sharing information, and the personal information being shared; as well as the required operational procedures, consent processes, and legal justification. All partners have given consideration to its contents when drawing up the document.
- 4.15 The ISP covers the exchange of information between Bridgend County Borough Council, as part of its Social Services function, G4S at HMP/YOI Parc,

Community Rehabilitation Company, Abertawe Bro Morgannwg University Health Board, and the National Offender Management Service. The work of the team working within the prison will be recorded on the new Welsh Community Care Information System (WCCIS). The prison also has its own healthcare information system. The social workers and occupational therapy staff working within the prison have been given G4S email accounts, access to the prison health care system and access to WCCIS. The highest standards of information governance have been applied within the systems within which the Authority is working.

- 4.16 The key principle which will be followed by Prison Social Care Team practitioners is that they will share information provided to them with permission based on the express consent of the prisoner, or without this in exceptional circumstances, where there are serious risk issues to the individual or others, or risk of a serious crime being committed. A prison-specific information sharing protocol will also be developed and signed for HMP & YOI Parc.
- 4.17 Information will be shared in accordance with the Data Protection Act 1998, the Human Rights Act 1998, the Crime and Disorder Act 1998, common law and in line with the Caldicott Principles. The ISP is supplementary to the Wales Accord on the Sharing of Personal Information (WASPI), and has been agreed in principle between the participating partner organisations and will be implemented, subject to a Cabinet Report seeking formal approval.

5.0 Effect upon Policy Framework and Procedure Rules

- 5.1 There is no effect upon the Policy Framework and Procedure Rules.

6.0 Equality Impact Assessment

- 6.1 When officers are in a better position to know the full effect of the proposed new model, an EIA screening (and a full EIA if necessary) will be undertaken, to assess the potential impact on service users and staff.

7.0 Financial Implications

- 7.1 The funding for social care for prisoners in Wales is coming from within the additional £3m allocated to Welsh Local Authorities for the implementation of the Social Services and Wellbeing (Wales) Act. In March, Welsh Government confirmed the provision of the grant funding of up to £236,774 for Bridgend, to support provision of care and support to those in the secure estate for 2016/17. This funding is for one year only; thereafter the funding available will reduce to £217,448 on an ongoing basis. The final grant award letter with the full terms and conditions of the grant from Welsh Government were received on the 20th May 2016.
- 7.2 This is a new responsibility for the Local Authority and in order to understand the demand for the services at HMP Parc, the intention is to establish a pilot team and evaluate the actual demand and cost of the service in the first year. The expenditure committed to date is as follows: the appointment of two senior

social work practitioners and a senior occupational therapist, and a part time administrative assistant, the full year cost of which equates to £152,913; a sum has been set aside for set up and equipment costs, and other non-staff costs equating to approximately £34,810. The remainder of the budget has been aligned to direct care and support costs.

7.3 In addition the issue of the new responsibilities in relation to the secure estate have been raised at the Western Bay Regional Collaborative, in order that they can be considered in future resource allocations, regionally.

8.0 Recommendation

8.1 It is recommended that the Committee:

- Notes the information contained in this report;
- advises of any comments or points of information to assist officers in the implementation of the Act for people living in the secure estate; and
- notes the additional responsibilities for the Authority as a result of the implementation of the Social Services and Wellbeing (Wales) Act 2014.

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June 2016

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10 **Background documents:**
None

Part II SSWB ACT Secure Estate Implementation Plan

Priority	Action Required	Lead	Progress To Date	Completion Date	Complete/In Progress/ On Target
Memorandum of understanding	Draft document to be re-circulated to group for comment.	AB LS JD CD	Comments collated and subject to approval will be in place by July 2016	July 2016	On target
Information Sharing Protocol	Draft document to be re-circulated to group for comment. Specific ISP for developed and signed for HMP & YOI Parc	AB LS JD CD	Comments collated and will be in place by June 2016 To realign ISP to meet needs of YOI	23 th July 2016	On target
Governance	Terms of Reference i.e. for operational group to be updated and reporting arrangements clarified.	LS JD CD	Comments collated	31 st March 2016	Completed
ICT	Agree ICT systems that will be used and have documentation will be recorded and shared. Must be compliant with PSI 27/2013.	AB TB Prison ICT Representative MM JH	Meeting to be arranged with BCBC and G4S	23 rd May 2016	Completed
Referral Process. (including self-referral)	Documentation for referral; and assessment to be agreed.	AB LS NA CD	Interim arrangements agreed long-term arrangements in progress	April 2016	Completed
Training	Training plan to be agreed for BCBC Staff and Prison Staff and "Buddies". Level a and level b training collaboration with CCfW /IPC induction programme for staff	CH LC JD	CCfW & IPC wish to meet with the partnership around level a and level b training interagency induction programme	May 2016	Completed with ongoing training needs identified.

Priority	Action Required	Lead	Progress To Date	Completion Date	Complete/In Progress/ On Target
Information Advice and Assistance.	Agree implementation of ACTs requirements and HMP Parc.	AB CD LS JD	Agreed that information be provided on entry and when to be released and Buddy system will be utilised.	31 st March 2017	Completed
Equipment Store at HMP Parc	Equipment store to be provided at HMP Parc	NA	NA to facilitate this with Vision Products.	31 st March 2016.	Completed
Staff Resource	Recruit staff team to be based at HMP Parc . Agree achievements for commissioning HCW (G4S) to provide personal care.	AB JD CD	Two social workers appointed OT recruitment completed Induction programme being developed.	May 2016 June /July 2016	Completed In progress
Office Provision Admin Support	Agree equipment, desire space and admin support arrangements.	TB LS CE	Agree that this will be provided by G4S.	31 st March 2016.	Completed
Safeguarding Adverts	Local protocol to be agreed between BCBC and G4S (HMP Parc).	AB CD	Agreed that complaints will be progressed via established process in BCBC and G4S.	30 th April 2016	Complete
Inspection And Regulation.	Confirm registration arrangements for HCW (G4S) to provide personal care.	CD AB JD	Agreement in place for the commissioning of health care support within HMP Parc	31 st March 2016	Completed
Transfer of Prisoners	Process to be agreed.	LS WD	In progress	September 2016	In progress
Discharge and Resettlement	Agree process and pathway with partners	JG LS WD JD CD	In progress	September 2016	In progress

