

**Wiltshire Council**

**Health and Wellbeing Board**

**26 November 2020**

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**Subject: HMIP inspection of HMP Erlestoke**

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### **Executive Summary**

A recent inspection at HMP Erlestoke in August 2020 identified concerns regarding support for 6 prisoners with care and support needs and the actions of the Local Authority Adult Care service in terms of assessment and provision of support.

This report summarises the role of the Local Authority in terms of assessing and meeting the adult care needs of individuals in prisons and also considers the role of Safeguarding in a custodial setting.

A review was undertaken by adult care to determine any areas of concern. Areas for improvement were identified, both for adult care and the prison, particularly in terms of information sharing and wider communication.

It also details the actions Adult Care and Erlestoke prison have completed to address these concerns and the subsequent plans in progress, agreed in partnership, to improve the working practices across both services.

### **Proposal(s)**

It is recommended that the Board:

- i) Notes the report.
- ii) Agrees the actions outlined in the report to ensure effective processes are in place and individuals are supported effectively when they have eligible adult care needs.

### **Reason for Proposal**

The Local Authority is responsible for completing a Care Act assessment where there is an appearance of need and then ensuring eligible care and support needs are met. This duty extends to individuals in a prison situated within the county. For Wiltshire Council this will be Erlestoke Prison.

It is important that effective and robust processes are agreed and in place so any Care Act assessment required can take place in a timely and safe manner.

**Lucy Townsend**  
**Interim Corporate Director People (DCS/DASS)**  
**Wiltshire Council**

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**Purpose of Report**

1. To provide information to Health and Well Being Board following analysis of the issues raised by HMIP and actions required to mitigate and improve practice.

**Relevance to the Health and Wellbeing Strategy**

2. There are two themes within the Health and Well Being Strategy that are particularly relevant to this piece of work; Prevention and Integration.

The prevention theme focuses on how individuals can support and maintain their own health and well-being. Within adult care, small pieces of adaptive equipment are frequently prescribed to maintain mobility and independence when engaging in activities of daily living. Our analysis demonstrates that overwhelming majority of the referrals from Erlestoke in 2020 related to impaired mobility and the timely provision of equipment was therefore critical to prevent further deterioration. Effective processes to support this are key.

The second theme is Integration. Although this often relates to how health and care services align to provide person-centred care, wider partnerships are key to supporting individuals in terms of their needs. This partnership approach and effective communication will ensure a safe and robust service.

**Background**

3. In accordance with the Care Act, Wiltshire Council is responsible for completing a Care Act assessment where there is an appearance of need and ensuring eligible care and support needs are met for prisoners within Erlestoke Prison.

A Memorandum of Understanding currently exists between Wiltshire Council and Erlestoke Prison. It details the agreed arrangements and processes in place to identify, refer and facilitate an assessment of an individual's needs.

Adult Social Care departments are not responsible for investigating safeguarding incidents in prisons. However, the availability and provision of social care services can be an important part of ensuring that prisoners are protected. If there are concerns in relation to the general availability of

care and support services in a prison, this should be raised with National Offender Management Service.

Local authorities and prison staff must understand what to do where they have a concern about abuse and neglect of an adult in custody. The prison must ensure that it has clear safeguarding policies and procedures that are explained to all visiting staff. Prison and probation staff may approach the local authority for advice and assistance in individual cases although the local authority will not have the legal duty to lead enquiries in any custodial setting.

4. HM Inspectorate of Prisons conducted a scrutiny visit at HMP Erlestoke on 11, 18 and 19 August 2020.

Overall the inspection was very poor, citing concerns regarding leadership; treatment of prisoners; basic cleaning and disrepair of buildings; seemingly compounded by regimes resulting from the Coronavirus pandemic. The report states:

*‘Overall, this was a very troubling visit, and if this had been a full inspection as part of our normal inspection programme, I would have given serious consideration as to whether the Urgent Notification procedure should be invoked.’*

The team also identified concerns regarding individuals who potentially had social care needs.

**Key concern:** *The social care needs of some vulnerable prisoners had not been assessed or met. This had left physically disabled prisoners unable to clean themselves or their cells or collect meals. During our visit, the social care needs of six prisoners who had been referred to the local authority had been neither assessed nor met. Some of these referrals dated back to January 2020. One disabled man had to pay prisoners to clean his cell; he did not have a bedrail to prevent him from falling out of bed or suitable shower or toilet adaptations.*

**Key recommendation:** *All vulnerable prisoners who require social care support should have a timely referral and local authority assessment and their needs should be met promptly.*

## **Main Considerations**

5. Following notification from HMIP in August of their observations regarding the six prisoners, an urgent review was undertaken. The requests mainly related to difficulties with mobility and completing personal care tasks.

Our analysis shows there were two cases where delays resulted in care and support needs not being met in a timely way. This was as a result of incorrect prioritisation on the OT waiting list and poor and delayed information sharing from the prison. The required assessments have now been completed and equipment provided. There is no evidence that any

significant harm was caused as a result and thus no safeguarding concerns.

The first national lockdown also impacted on the ability of the team to undertake physical assessments, although insufficient consideration was given to the use of virtual methods.

6. Findings from the review of the remaining four cases also identified further learning for the local authority but there was also significant learning for the prison in terms of the description of the difficulties being experienced by prisoners and ensuring equipment is delivered to prisoners.
7. The assessments requested have now been completed with provision of the necessary small pieces of equipment. There does not appear to have been any harm caused by the delay to the individuals involved that would require a safeguarding response.

### **Next Steps**

8. There has been learning identified for Adult Care services and the prison. This has formed the basis of a comprehensive internal action plan that addresses the concerns and meet the requirements of the recommendations in the report. Erlestoke have also identified a number of social care focused actions to address areas of improvement.

Key areas for development include;

- Joint review of the Memorandum of Understanding to ensure it is fit for purpose. Staff from both organisations will need to have appropriate training and understanding of the remit of both partners in terms of meeting need. This will address the learning also identified for Erlestoke and allow a joint approach to a process of continuous improvement for both organisations.
  - A shared process and protocol which is being developed alongside the MOU.
  - The referral process will identify online referrals as the preferred route which will be robust and allow regular electronic audit with findings shared with both organisations.
  - Adult Care staff are now invited to weekly Multi-Disciplinary Team meetings with the prison to ensure early identification of individual who may have adult care needs and allow a timely assessment to take place.
  - All Adult Care staff will receive training as part of their Continuing Professional Development, so they are aware of their responsibilities under the Care Act to support prisons and prisoners.
  - Erlestoke have their own action plan in response to the recent inspection. This addresses the range of issues highlighted in the report and details the support they will offer to individuals with impaired mobility and other social care needs including safeguarding.
9. Local partners must now work strategically to address the learning identified and implement the relevant actions. Progress will be regularly

reviewed and oversight will be provided by the new Safeguarding Adults System Assurance Group (replaces the Adults Safeguarding Board Executive) which reports into the SVPP.

**Lucy Townsend**  
**Interim Corporate Director, People (DCS/DASS)**  
**Wiltshire Council**

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Report Authors:  
Emma Legg, Director of Adult Care Operations, Access and Reablement,  
Wiltshire Council