PARTNERSHIP AGREEMENT BETWEEN HM INSPECTORATE OF PRISONS FOR SCOTLAND AND HEALTHCARE IMPROVEMENT SCOTLAND

INTRODUCTION

This Partnership Agreement sets out the framework agreed by HM Inspectorate of Prisons for Scotland (HMIPS) and Healthcare Improvement Scotland (HIS) for co-operation and exchange of information in relation to the inspection of health care services in prisons in Scotland. This follows the transfer of responsibility for providing healthcare in prisons from the Scottish Prison Service to the NHS on 1 November 2011. The specific roles and responsibilities of both organisations are set out at Annex 1 and Annex 2.

The contact details of those responsible for the operation of this Agreement are set out at Annex 3.

SCOPE

HMIPS has a statutory duty to inspect the condition in which prisoners are held and the treatment they receive. This includes all healthcare and substance misuse services within prisons. HIS has the responsibility to support healthcare providers to deliver high quality care, and scrutinise those services to provide public assurance about the quality and safety of that care. HMIPS and HIS have agreed to work in partnership to develop this Agreement, which defines their respective roles and sets out how they will collaborate and work together in respect of the healthcare element of inspections of Scottish Prisons.

This Agreement defines the circumstances and processes through which HMIPS and HIS will co-operate when carrying out their respective functions.

Nothing in this Agreement reduces the separate duties and reporting rights of either organisation, even where they have decided to work collaboratively. This Agreement does not place additional legal obligations on either organisation, nor does it imply any transfer of responsibility from one to the other, or sharing of statutory functions. In operating within the terms of this Agreement, each organisation will continue to work within their respective statutory framework at all times.
Inspections may be announced or unannounced and result in a full range of recommendations for the Scottish Prison Service, NHS Boards and the Scottish Government. An average of four full inspections takes place each year.

The primary objective of a follow up inspection is to assess the progress made in relation to the recommendations following the previous inspection, but can also be used if the risk assessment process indicates there are issues in particular areas.

Since November 2011 NHSScotland has been accountable for the provision of healthcare services within the prison setting. A healthcare professional from HIS assists the HMIPS for the purpose of inspecting healthcare and substance issue services as part of the overall inspection. These services are assessed against current recognised standards. HIS reports its finding direct to the Chief Inspector of Prisons for inclusion within the HMIPS report.

Inspection is against a set of criteria described in HM Chief Inspector of Prisons for Scotland’s publication entitled 'Standards Used in the Inspection of Prisons in Scotland' and are presented as a set of Outcomes, Standards and Indicators.

In undertaking this work, inspectors are assisted by colleagues from Education Scotland and Associate Inspectors from SPS. The arrangements in relation to the inspection cycle are subject to annual review.

Functions Covered

Subject to the availability of resources in each organisation, such co-operation will be appropriate in the following key areas:

- Co-ordination and exchange of information
- Inspection and monitoring process
- Announced HMIPS inspections
- Risk assessed unannounced visits by HMIPS
- Planning of work programme
- Identification and dissemination of best practice
- Cross referral of concerns
- Seeking and giving advice
- Training and guidance
- Thematic reviews as required
• Data on trends, approaches and initiatives and other concerns relevant to the shared aims of both organisations; and

• Guidelines and procedures relating to the respective interests of each organisation.

(ii) Cross Referral of Concerns

It is possible that either organisation will receive information, which bears upon the other's responsibility. It is important that both organisations, through this Agreement, encourage a culture of mutual trust and understanding and be willing to share relevant information.

The interests of the prisoner/public should remain paramount and where issues relate to the fitness to practise of healthcare professionals, this information should be referred to the employing body. Nothing in this Agreement seeks to preclude HMI PS from taking action that is justifiable to safeguard prisoners and/or staff.

It is recognised that there may be issues relating to fitness to practise of employees of the providers of healthcare that emerge during the course of an inspection. Whilst neither organisation would be directly involved in such matters, both would ensure that the other is appropriately informed of such issues.

HMI PS and HIS reserve the right to make referrals direct to relevant professional bodies in respect of concerns.

PLANNING THE INSPECTION PROCESS

This Agreement allows for the inspection of healthcare and substance misuse in prisons to continue as now with no increase in inspection burden or cost, but with a more integrated approach.

HMI PS will inform HIS of the annual announced inspection programme once it has been finalised. Similarly, HIS will notify HMI PS of its scrutiny and inspection plan.
RECONCILIATION OF DISAGREEMENT

Any disagreement between HMIPS and HIS will normally be resolved at working level between the relevant officials. If this is not possible, it may be referred upwards through those responsible for operating this Agreement, up to and including HM Chief Inspector of Prisons and the Chief Executive of HIS who will jointly be responsible for ensuring a mutually satisfactory resolution.

REVIEW OF AGREEMENT

This Agreement will be reviewed and renewed (if necessary) every two years.

HMIPS
Signed: David Gwynn
Date: 8 November 2013

HIS
Signed: [Signature]
Date: 19 November 2013
ANNEX 1

ROLES AND RESPONSIBILITIES OF HER MAJESTY'S CHIEF INSPECTOR OF PRISONS IN SCOTLAND

CHIEF INSPECTOR:  David Strang

DEPUTY CHIEF INSPECTOR:  Margaret Brown

BUSINESS MANAGER:  Alan Forman

INSPECTOR:  Tony Martin

EXECUTIVE ASSISTANT:  Dorothy Halliday

The Chief Inspector is assisted by a Deputy Chief Inspector, a Business Manager, an Inspector, and an Executive Assistant. The core team is augmented by experts from other specific areas such as education, social work and health. Other experts and lay inspectors are involved as required.

The role of HM Chief Inspector of Prisons was placed on a statutory basis by the Prisons (Scotland) Act 1989.

Within the Scottish Prison Service there are 16 individual prison establishments and it is the aim of the Inspectorate to carry out a full inspection of each of these establishments based on assessed risk and need. In practice this tends to be once every three years. Each full inspection normally lasts one week. Following each inspection a report is prepared, which is submitted to Scottish Ministers and published. In addition to the programme of full inspections, follow up inspections - which normally last one or two days - are undertaken.

Since 1985 HMCIP also carries out a number of inspections on themes or areas of concern which are common to several prisons. Recent thematic inspections have included female prisoners, remand prisoners, prisoners with severe and enduring mental health problems, and progression to open conditions.

The Chief Inspector produces an Annual Report which is presented to Scottish Ministers and laid before Parliament.
HMCIP also undertakes inspections of legalised police cells. These are cells in a number of police stations, usually distant from a prison, where prisoners may legally be held for short periods while awaiting trial or immediately after conviction. They are unique to Scotland.

HMCIP has responsibility for the inspection of the treatment of and conditions for prisoners under escort.

In 2004 HMCIP and the Chief Executive of the Scottish Prison Service agreed an updated set of arrangements for the process and conduct of inspections. This included the following arrangements for inspecting prisons:

HM Chief Inspector will conduct regular inspections of individual prison establishments and legalised police cells in Scotland. The scope, focus and content of any inspection will be decided by HMCIP, taking into consideration the particular circumstances relating to any given establishment at the time of the inspection. It is expected that any inspection and subsequent report will cover:

- Physical conditions prevailing in an establishment;
- Treatment of prisoners;
- Facilities, services and opportunities available to address offending behaviour and the accessibility of these;
- Preparations in place for returning prisoners to the community;
- Any other relevant matter as the Minister for Justice may direct or HMCIP may choose.

The agreement listed the following general principles of inspection:

- In carrying out inspections and in preparing reports, HMCIP will be independent of political influence, the Scottish Government Justice Directorate, the Scottish Prison Service and Governors-in-Charge of establishments.
- Inspections and the reports resulting from them will be balanced, fair and open.
• In inspecting and reporting upon the treatment of prisoners and the conditions within prisons, will make assessments against standards which have been clearly defined.

• Strategic and relevant documentation will be provided by Governors-in-Charge and SPS Headquarters to HMCIP on request.

• Confidential information supplied will be treated as such.

• Each inspection should be responsive to an establishment’s individual circumstances.

• HMCIP will attempt to keep disruption to normal regime activities to a minimum.

• The inspection team will give clear oral feedback to senior management.

• A report to the Cabinet Secretary for Justice will be produced which will identify main points for action by the individual establishment and/or SPS, and highlight areas of good practice.
ANNEX 2

ROLES AND RESPONSIBILITIES OF HEALTHCARE IMPROVEMENT SCOTLAND

CHAIR: Dr Denise Coia

INTERIM CHIEF EXECUTIVE: John Glennie

EXECUTIVE CLINICAL DIRECTOR: Dr Brian Robson

DIRECTOR OF SCRUTINY AND ASSURANCE: Robbie Pearson

CHIEF INSPECTOR: Susan Brimelow

ASSOCIATE DIRECTOR OF GOVERNANCE AND ASSURANCE: Jan Warner

Healthcare Improvement Scotland was established in April 2011 as part of the Public Services Reform (Scotland) Act 2010. (http://www.legislation.gov.uk/ukaslp/2010/8/contents)

The organisation's vision is to deliver excellence in improving the quality of care and experience of every person in Scotland every time they access healthcare. Our purpose is to support healthcare providers in Scotland to:

- Deliver high quality, evidence-based, safe, effective and person-centred care; and
- Scrutinise services to provide public assurance about the quality and safety of that care.

To do this we have developed an integrated cycle of improvement which involves:

- Developing evidence-based advice, guidance and standards for effective clinical practice;
- Driving and supporting improvement of healthcare practice; and
- Providing assurance about the quality and safety of healthcare through scrutiny and reporting on performance.
We work closely with a range of partner organisations and with members of the public and we have developed a clinical engagement strategy to underpin all of our work.

Since November 2011, Healthcare Improvement Scotland has been responsible for co-ordinating the National Prisoner Healthcare Network (NPHN) which has been set up to support the transfer of prisoner healthcare into the NHS. We are also responsible for collaborating with Her Majesty's Chief Inspector of Prisons and providing the healthcare element of prison inspections under the direction of HMCIP.
POINTS OF CONTACT

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