

## KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**  
Cabinet Member for Adult Social Care

**DECISION NO:**  
17/00097

**For publication**

**Non-Key**

**Subject: Health and Social Care in Prisons**

**Decision:** As Cabinet Member for Adult Social Care, I:

- a) **AGREE** to jointly commission an integrated Health and Social Care Service with NHS England; and
- b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, or other nominated officer, to undertake the necessary actions to implement the decision.

**Reason(s) for decision:** The Care Act requires Local Authorities to assess and meet the needs of persons within prisons eligible to receive care and support. Since 2014 KCC has collaborated with NHS England to utilise their existing contract for the delivery of health services in prisons, to provide social care support. This has been done via a call off contract with the incumbent provider of NHS Primary Health Care.

**Financial Implications:** The proposed contract will be for three years, with a potential two year extension. The potential cost of the full contract term of five years is £953k. The proposed co-commissioning arrangement via a Section 75 agreement would utilise an alternative model to fund two full time Health Care Assistants at an annual cost to the authority of £80k per annum.

**Legal Implications:** An existing Section 75 agreement has been adapted and the contents agreed with NHS England, however legal advice will be necessary to ensure the agreement is correct and the interests of the authority are protected.

**Equality Implications:** An Equality Impact Assessment will be necessary and will be undertaken by NHS England.

**Cabinet Committee recommendations and other consultation:** The proposed decision was discussed at the Adult Social Care Cabinet Committee on 29 September 2017. Ms E Hanson (Head of Strategic Commissioning – Community Services) and Ms S Peacock (Commissioning Officer) were in attendance for this item.

1. Ms Hanson said that both Mrs Cole and Mr Gibbens had visited the prison with Ms Peacock to see first-hand the growing issue of the ageing population. When the Care Act was put in place the local authority took over responsibility from the NHS for providing social care in prisons when the NHS was mid-way through the contract with Primary Health Care. Instead of commissioning a new service, the local authority bought the service from the Primary Health Care provider. At the point that the NHS recommissioned the Primary Health Care Service in prisons the local authority worked with them to ensure there was an integrated Primary Health and Social Care service.
2. Ms Hanson said that a Section.75 agreement would be drawn up to underpin the co-commissioning arrangement, with NHS England as the lead commissioner and contracting authority.

3. A Member asked a question about the number of referrals and why that was not deemed to be a true representation of the demand within the prisons. Ms Peacock said that prison governors were unaware of the full extent of social care interventions available to prisoners and therefore had initially restricted referrals to equipment only, such as the delivery of wheelchairs. The County Council has raised prison governors' awareness of social care issues and reaffirmed the use of peer support.

4. RESOLVED that the decision proposed to be taken by the Cabinet Member to:-

(a) jointly commission an integrated Health and Social Care Service with NHS England; and

(b) delegate authority to the Corporate Director of Adult Social Care and Health, or other nominated officer, to undertake the necessary actions to implement the decisions,

be endorsed.

**Any alternatives considered:** None

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**



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signed

7 NOVEMBER 2017

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date