

**Offender Health**  
Area 106, Wellington House  
133-155 Waterloo Road  
London SE1 8UG  
[caroline.twitchett@dh.gsi.gov.uk](mailto:caroline.twitchett@dh.gsi.gov.uk)  
0207 972 4221

**To:**

NOMS Management Board  
NOMS Custodial Managers  
Prison Governors/ STC/SCH  
SHA Chief Executives  
PCT Chief Executives  
PCT Prison Leads  
SHA Offender Leads  
NTA Managers  
Young People Leads NTA  
Young People Substance Misuse Commissioners  
Healthcare Managers  
NHS Criminal Justice Regional Leads  
YOT Managers  
Managing Directors, Contracted Out secure settings

**Gateway Reference 16331**

**1 September 2011**

**Commissioning young people's substance misuse services in secure estate  
2011/12**

**Background**

The formal letter dated 31<sup>st</sup> March, Gateway Number 15827, from Department of Health (DH), Ministry of Justice (MoJ), and the National Treatment Agency (NTA) announced with immediate effect:

- The transfer of responsibility for funding secure estate substance misuse services from Ministry of Justice to Department of Health
- The expectation is that secure estate substance misuse funding will be routed at a local authority level to Children and Young People's Substance Misuse Commissioning Groups. This is in order to:
  - improve continuity of care
  - support the commissioning of integrated secure estate and community services that will better prevent the escalation of use and harm, by vulnerable young people

The following provides an outline and overview of next steps and guiding principles for local delivery and implementation.

## **Commissioning arrangements**

Young people's substance misuse (YPSM) partnerships will need to ensure that young people's joint commissioning groups (a wider reference group used to inform effective commissioning) have the appropriate representation to enable them to effectively commission services for young offenders in both secure estate and the community. It is recommended that the Children and Young People's Substance Misuse Commissioning Groups should comprise representatives from:

- Young Offender Institution (YOI) *as appropriate*
- Secure children's home (SCH) *as appropriate*
- Secure training centres (STC) *as appropriate*
- Youth Offending Team (YOT)
- Primary Care Trust (PCT)
- Drug and Alcohol Action Team (DAAT)
- Local Authority representative
- Safeguarding representative
- Police

*Wider YPSM commissioning membership is needed in order to commission integrated community and secure estate specialist substance interventions. At the same time, there will be a need to ensure commissioning arrangements effectively join up with young people's offender health commissioning of general healthcare, notably child mental health services. Most localities have well-established commissioning groups overseeing specialist substance misuse services for young people. It is intended that commissioning arrangements for the secure estate are embedded within existing groups, adapted as appropriate.*

*The move from national to local commissioning of the secure estate transfers responsibility for the delivery of substance misuse services to the localities in which individual children and young people's secure establishments are situated, realising an opportunity for local multi-agency partnerships to have a lead role in the provision of services in the secure estate.*

*We recommend that contracts for secure estate substance misuse services are operated in the same way as YPSM partnership community contracts, which are run on behalf of the young people's substance misuse partnership whether held by the local authority or by the PCT. PCT involvement in substance misuse services in the community will gradually be replaced by the local authority public health system,*

*incorporating Health and Wellbeing Boards, and in YOI and other forms of prescribed detention by the establishment of the NHS Commissioning Board.*

The NTA will be offering specific support to the secure estate and young people's substance misuse groups both to manage the existing programme contracts and to meet the challenge of commissioning young people's substance misuse systems from April 2012. The following actions are suggested as immediate priorities:

1. Identify and agree young people's substance misuse commissioning structure that involves the prison governor/or substance misuse representative from within the secure estate
2. Carry out a baseline audit of what is currently being provided within secure estate
3. Update/initiate a needs assessment for each YOI, SCH and STC (as appropriate) to underpin the planning and commissioning of services
4. Review/develop good quality management information
5. The YPSM partnerships to actively take over current secure estate contracts.
6. A timetable to be drawn up to ensure the commissioning of young people's specialist substance misuse interventions in secure estate to be in place by April 2012, taking into account the timescales required for re-tendering a new service.

### **TUPE (Transfer of Undertakings [Protection of Employment] Regulations 2006)**

The following section addresses TUPE issues that relate to the outcome of any procurement exercise to renew treatment and recovery systems in prisons in 2012.

In some establishments, National Offender Management Service (NOMS) Officer Grades (Prison Officers, Senior Officers, and Principal Officers) have a dual role and deliver a unique blend of custodial services and substance misuse services. However, where the PCT wishes to commission a new provider to deliver substance misuse services all parties should ensure that NOMS Officer Grades working in substance misuse services are not within scope for transfer. These staff are primarily Prison Officer grades with a specialism. They are employed, and joined as prison officer grades, hold the powers of a constable and can be redeployed to operational duties at any time. The Governor must ensure that the prison contacts the NOMS TUPE Team for advice at the earliest possible stage and before a final decision is made to commission services from a new provider. Having taken advice from the TUPE Team, and once a final decision has been taken to commission from a new provider, establishments are advised to commence consultations with all affected staff. This will include discussions with affected Operational staff who must be redeployed to other duties within the prison before the transfer takes place.

Non-operational grades working in substance misuse services, may be regarded as in-scope for transfer.

Decisions on the transfer of part-time non-operational staff will depend on a number of factors that are usually considered on a case-by-case basis. Advice should be taken from the NOMS TUPE Team.

### Proposed Timetable

Facilitate relationships between YPSM commissioners and YOI, STC, SCH to develop a strong foundation for the development of secure estate substance misuse commissioning	End July 2011 – YPSM Commissioners DH/NTA/YJB/NOMS
NTA to clarify process for contractual arrangements for 11/12 and circulate to local commissioning groups with secure establishments within their remit.	
Develop an audit/support tool to enable commissioners to baseline provision for children and young people’s substance misuse interventions in secure estate and disseminate to local commissioning groups.	
Baseline audit carried out in secure estate	Beginning September 2011, YPSM commissioners and secure estate
Comprehensive needs assessment completed drawing on baseline data	November 2011 YPSM commissioners/secure estate/DH.
Review/develop good quality management information	Ongoing SM commissioners and secure estate.
A table drawn up for re-commissioning of SM provision in secure estate, taking into account the timescales required for re-tendering.	Ongoing SM commissioners
End transition year	April 2012

Local circumstances, such as local commissioning regulation, or a need to synchronise with other secure estate or community commissioning activity, may dictate that a new service cannot be in place in some of the secure estate by April 2012. These partnerships may chose therefore to explore the potential to extend the current provision for a short period of time.

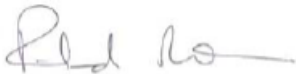
### What should young people substance misuse service look like?

In line with national specification for substance misuse in the secure estate<sup>1</sup>, children and young people in the secure estate should have access to screening,

<sup>1</sup> National Specification for Substance Misuse in the secure estate (YJB 2009) ISBN 978-1-906139-60-5  
<http://www.yjb.gov.uk/publications/Scripts/prodView.asp?idproduct=443&eP>

assessment and planning; substance misuse education and prevention; specialist substance misuse interventions including treatment; through care and resettlement.

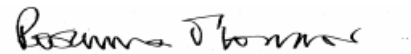
The Drug Strategy 2010 states that the focus for all activity with young drug or alcohol misuse issues should be preventing the escalation of use and harm, including stopping young people becoming adult addicts. Drug and alcohol interventions need to respond incrementally to the risks in terms of drug use, vulnerability and particularly, age.

A handwritten signature in black ink, appearing to read 'Richard Bradshaw'.

**Richard Bradshaw**  
Director,  
DH Offender Health

A handwritten signature in black ink, appearing to read 'Ray Hill'.

**Ray Hill**  
Director of Secure Accommodation  
Youth Justice Board

A handwritten signature in black ink, appearing to read 'Rosanna O'Connor'.

**Rosanna O'Connor**  
Director of Delivery  
NTA