

**TITLE** Rationalisation of Doctor's Duties in Prisons

**PROCESS** PSO 3500 – Promotion of Healthcare

**IMPLEMENTATION DATE** 7 August 2006

**EXPIRY DATE** 6 August 2007

## CONTAINS MANDATORY INSTRUCTIONS

*For Action*

Governing Governors, Directors and  
Controllers of Contracted Prisons, Heads of  
Groups and Heads of Healthcare.

*Monitored by*

Prison Health, SAU

*For information*

All prison staff working in Healthcare

*On authority of*

Prison Service Management Board.

*Contact point*

Prison Health, Wellington House,  
135-155 Waterloo Road, London, SE1 8 UG.  
Tel: 020 7972 2000

*Other processes affected*

Prison Rules, The Young Offender Institution Rules  
& Dear Doctor Letters

## NOTES

ELOs should be aware that hard copies of the following publications will need to be amended:  
Prison Rules, The Young Offender Institution Rules & Dear Doctor Letters



## RATIONALISATION OF DOCTORS' DUTIES IN PRISONS

### Introduction and Purpose

1. This instruction makes changes to the current responsibilities of doctors working in prisons as reflected in The Prison Rules, The Young Offender Institution Rules and Dear Doctor Letters. These changes are in addition to those made to Prison Service Performance Standards and Orders as detailed in PSI 47/2003 and seek to further update responsibilities historically undertaken by a doctor/medical officer in the prison environment. In some cases, the responsibilities are more appropriately undertaken by another member of the healthcare team, the continuation of the responsibilities is no longer necessary, or the guidance has been superceded by new guidance.
2. The amendments to the Prison Rules and the Young Offender Institution Rules are made under authority of Statutory Instrument 2005 No. 3437 and Statutory Instrument 2005 No.3438.
3. This Instruction will ensure that remaining healthcare responsibilities are relevant and appropriately delegated. It is important to modernise working practices in healthcare in order to align them more closely with those in the NHS.

### Output

4. Amendment of doctors' responsibilities contained in the Prison Rules, Young Offender Institution Rules and Dear Doctor Letters.

### Impact and Resource Assessment

5. The proposed changes will ensure that a better use of healthcare resources can be achieved as appropriate skills can be matched to responsibilities.

### Mandatory Action

6. As follows:
  - *With immediate effect, the provisions in the Prison Rules, Young Offender Institution Rules and in Dear Doctor Letters, specified in Annex A are cancelled or amended as shown.*
  - *Establishment Liaison Officers must manually amend each relevant Rule and Dear Doctor Letter as specified in Annex A.*

### Advice and Information

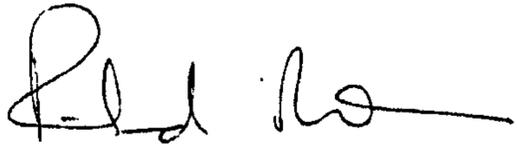
7. Where other existing guidance is affected by changes to the rules, corresponding amendments will be made by the responsible policy group.
8. *These amendments must be made to the relevant rule/letter as stated so that they can be viewed in their proper context. It is important that the amendment list is not read or used in isolation.*
9. The list is not intended to be exhaustive. Further changes may need to be considered in the light of the transfer of prison health services from the Prison Service to the NHS.

**Audit and Monitoring**

10. Monitored by usual methods, SAU.

**Contact**

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A handwritten signature in black ink, appearing to read 'Richard Bradshaw', with a long horizontal stroke extending to the right.

**Richard Bradshaw**  
**Director of Prison Health**

## ANNEX A

## AMENDMENTS TO PRISON RULES and DEAR DOCTOR LETTERS

The following amendments to Prison Rules and Dear Doctor Letters are effective from the date of issue of this instruction.

<b>PRISONS</b>	
The Prison (Amendment) (No.2) Rules 2005 Statutory Instrument 2005 No.3437	
<b>PRISON RULE/REFERENCE</b>	<b>AMENDMENT</b>
<b>Rule 2. Interpretation</b>	
(1) after the definition of "governor"	Insert "health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (b) and who is working within the prison pursuant to rule 20(3)"
After the definition of "prison minister"	Insert "registered medical practitioner" and "registered nurse" means a practitioner or nurse who is working within the prison pursuant to rule 20(3)"
<b>Rule 20. Medical attendance</b>	
Paragraph (2)	Substitute "(2) Every request by a prisoner to see a registered medical practitioner, a registered nurse or other health care professional such is mentioned in paragraph (3) shall be recorded by the officer to whom it is made and promptly passed on to the medical officer."
Paragraph (3)	Substitute "(3) The medical officer may consult – (a) a registered medical practitioner (b) a registered nurse, or (c) any other health care professional, and such a person may work within the prison under the general supervision of the medical officer"
Paragraph (4)	Omit
Paragraph (5)	For the words "the medical officer" substitute "a registered medical practitioner such as is mentioned in paragraph (3)"
<b>Rule 21. Special Illnesses and Conditions</b>	
Paragraph (1)	For the words "The medical officer or a medical practitioner" substitute " a registered medical practitioner"
Paragraph (2)	Omit
<b>Rule 24. Food</b>	
Paragraph (1)	For the words "the medical officer or a medical practitioner" substitute "a health care professional"
Paragraph (3)	Omit the words "the medical officer, a medical practitioner such as is mentioned in rule 20(3) or"
<b>Rule 25. Alcohol and tobacco</b>	
Paragraph (1)	Omit from "except under a written order" to the end of that paragraph

<b>Rule 29. Physical education</b>	
Paragraph (4)	Omit
<b>Rule 31. Work</b>	
Paragraph (2)	For the words "the medical officer or a medical practitioner" in both places where they occur substitute "a registered medical practitioner or registered nurse".
<b>Rule 45. Removal from Association</b>	
Paragraph (2)	Substitute "(2) A prisoner shall not be removed under this rule for a period of more than 72 hours without the authority of the Secretary of State and authority given under this paragraph shall be for a period not exceeding 14 days but it may be renewed from time to time for a like period."
Paragraph (3)	Substitute " <i>(3) The Governor may arrange at his discretion for a prisoner removed under this rule to resume association with other prisoners at any time, and in exercising that discretion the governor must fully consider any recommendation that the prisoner resumes association on medical grounds made by a registered practitioner or registered nurse such as is mentioned in rule 20(3)</i> "
<b>Rule 49. Restraints</b>	
Paragraph (2)	For the words "to the medical officer or to a medical practitioner" substitute "to a registered medical practitioner or to a registered nurse"
Paragraph (3)	For the words "the medical officer, or the medical practitioner" substitute "the registered medical practitioner or registered nurse"
Paragraph (6)	For the words "of the medical officer or of a medical practitioner" substitute "of a registered medical practitioner or of a registered nurse".
<b>Rule 58. Cellular Confinement</b>	
	Substitute "58. Before deciding whether to impose a punishment of cellular confinement the governor, adjudicator or reviewer shall first enquire of a registered medical practitioner or registered nurse, such as is mentioned in rule 20(3), as to whether there are any medical reasons why the punishment is unsuitable and shall take this advice into account when making his decision"

<b>YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES</b>	
The Young Offender Institution (Amendment) (No.2) Rules 2005 Statutory Instrument 2005 No.3438	
<b>RULE/REFERENCE</b>	<b>AMENDMENT</b>
<b>Rule 2. Interpretation</b>	
After the definition of "governor"	Insert "health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(b) and who is working within the young offender institution pursuant to rule 27(3);"
After the definition of "officer"	Insert "registered medical practitioner" and "registered nurse" mean a practitioner or nurse who is working within the young offender institution pursuant to rule 27(3)"
<b>Rule 20. Food</b>	
In paragraph (1)	For the words "the medical officer or a medical practitioner" substitute "a health care professional"
In paragraph (3)	Omit the words "The medical officer, a medical practitioner such as is mentioned in rule 27(3) or"
<b>Rule 21. Alcohol and Tobacco</b>	
In paragraph (1)	Omit from "except under a written order" to the end of that paragraph
<b>Rule 27. Medical Attendance</b>	
For paragraph (2)	Substitute (2) Every request by an inmate to see a registered medical practitioner, a registered nurse or other health care professional such as is mentioned in paragraph (3) of this rule shall be recorded by the officer to whom it is made and promptly passed on to the medical officer."
For paragraph (3)	Substitute (3) The medical officer may consult –  a) a registered medical practitioner b) a registered nurse, or c) any other health care professional,  and such a person may work within the young offender institution under the general supervision of the medical officer."
Paragraph (4)	Omit
<b>Rule 28. Special illnesses and Conditions</b>	
In paragraph (1)	For the words "The medical officer or a medical practitioner" substitute "A registered medical practitioner"
Paragraph (2)	Omit
<b>Rule 49. Removal from association</b>	
For paragraph (2)	Substitute; (2) An inmate shall not be removed under this rule for a period of more than 72 hours without the authority of the Secretary of State and authority given under this paragraph shall be for a period not exceeding 14 days

	but it may be renewed from time to time for a like period”.
For paragraph (3)	Substitute; <i>“(3) The governor may arrange at his discretion for an inmate removed under this rule to resume association with other inmates at any time, and in exercising that discretion the governor must fully consider any recommendation that the inmate resumes association on medical grounds made by a registered medical practitioner or registered nurse such as is mentioned in rule 27(3)”</i>
<b>Rule 52. Restraints</b>	
In paragraph (3)	For the words “the medical officer or medical practitioner” substitute “the registered medical practitioner or registered nurse”;
In paragraph (4)	For the words “the medical officer or medical practitioner” substitute “the registered medical practitioner or registered nurse”;
In paragraph (7)	For the words “the medical officer or medical practitioner” substitute “the registered medical practitioner or registered nurse”;
<b>Rule 61. Confinement to a cell or room</b>	
For paragraph (1)	Substitute <i>“(1) Before deciding whether to impose a punishment of confinement to a cell or room, the governor, adjudicator or reviewer shall first enquire of a registered medical practitioner or registered nurse, such as is mentioned in rule 27(3), as to whether there are any medical reasons why the punishment is unsuitable and shall take this into account when making his decision.”</i>

DEAR DOCTOR LETTER		AMENDMENT
(85)12	Contact Lenses for inmates	CANCEL
(85)13	Supply of spectacles to inmates	CANCEL
(86)25	Supply of spectacles to inmates	CANCEL
(86)31	Prison Medical Documentations	CANCEL
(87)3	Approval under section 12 of the mental health act 1983	CANCEL
(87)6	CI 3/1987: Suicide Prevention authorisation of use of protective rooms	CANCEL
(88)12	AIDS (Control) Act 1988	CANCEL
(89)1	Hostage Incidents	CANCEL
(89)5	Food Poisoning (gastro-enteritis)	CANCEL
(89)6	Tetanus Protection	CANCEL
(89)10	Health risks from smoking	CANCEL
(89)12	Treatment of drug misusers	CANCEL
(90)4	AIDS surveillance clinical report forms	CANCEL
(90)10	Clinical care of HIV antibody positive inmate patients	CANCEL
(90)15	Temgesic; dipipadone; cyclizine	CANCEL
(91)4	Responsibility for meeting charges for prisoners' NHS treatment	CANCEL
(92)5	Criminal Justice Act 1991: The discretionary conditional release scheme	CANCEL
(93)2	Participation of prison doctors in NHS medical audit	CANCEL
(93)3	Prison disciplinary system; cellular confinement	CANCEL
(94)6	Transmission of HIV within the prison context	CANCEL
(94)10	Overwhelming post splenectomy infection	CANCEL
(95)2	Legal, ethical and medical duties of medical officers in relation to prison discipline	CANCEL
(95)4	Prison Service Health Research Ethics Committee	CANCEL
(95)5	Clinical Management of drug users	CANCEL
(95)11	Prescribing patterns	CANCEL
(95)13	Influenza vaccine	CANCEL
95(14)	Misuse of benzodiazepine	CANCEL
(96)5	Fitting of inmates for transfer	CANCEL
(96)6	Prison doctors treating prison staff	CANCEL