

Dear Colleague

**HEALTH BOARD DIRECT PROVISION OF PRIMARY
MEDICAL SERVICES (SCOTLAND) (No. 2) DIRECTIONS
2011 ([The Direct Provision Directions](#))**

**HEALTH BOARD PRIMARY MEDICAL SERVICES
CONTRACTS (SCOTLAND) DIRECTIONS 2011
([The Contract Directions](#))**

**HEALTH BOARD PROVISION OF HEALTHCARE IN
PRISONS (SCOTLAND) DIRECTIONS 2011
([The Prison Directions](#))**

**HEALTH BOARD GUIDANCE ON PROVISION OF
HEALTHCARE TO PRISONERS IN PRISONS ([Prison
Healthcare Guidance](#))**

Summary

1. This Circular introduces

(i) updated Directions which will replace the Health Board Direct Provision of Primary Medical Services (Scotland) Directions 2011 (the 2011 Directions) and the Health Board Primary Medical Services Contracts (Scotland) Directions 2010 (the 2010 Directions); and

(ii) new Health Board Provision of Healthcare in Prisons (Scotland) Directions 2011 and guidance to Health Boards on the provision of healthcare to prisoners in prisons.

The Directions come into effect on 1 November 2011.

Background

2. Responsibility for the provision of healthcare services to prisoners will transfer from the Scottish Prison Service (SPS) to Health Boards on 1 November 2011. The Prison Directions and Guidance are therefore given to Health Boards to make provision by Health Boards of health care to prisoners in prisons.

31 October 2011

Addresses

For action

Chief Executives of NHS Boards
General Medical Practitioners

For information

British Medical Association
British Dental Association
Chief Executive of Scottish Prison Service
Director of Practitioner Services Division, NHS National Optometry Scotland
Prison Officers Association
Royal Pharmaceutical Society
Royal College of Nursing Services Scotland
Scottish General Practitioners Committee

Enquiries to:

Drena Graham/Jessica McPherson
1 East Rear
St Andrew's House
EDINBURGH
EH1 3DG

Tel: 0131-244 2680/2462

Fax: 0131-244 2461

email:

drena.graham@scotland.gsi.gov.uk

jessica.mcpherson@scotland.gsi.gov.uk

<http://www.scotland.gov.uk>

3. The Direct Provision Directions and the Contract Directions support NHS Boards in the discharge of their statutory requirement to provide or secure the provision of primary medical services under section 2C of the NHS (Scotland) Act 1978. These Directions will replace the 2011 Directions and the 2010 Directions, and ensure that these Directions do not apply in the context of primary medical services in prisons.

The Prison Directions

4. The Prison and Young Offenders Institution (Scotland) Rules 2011 have been updated to remove the healthcare-related prison rules reflecting that the accountability for healthcare in prisons will transfer to Health Boards. To ensure the continued consistency of healthcare in prisons, part 1 of the Prison Directions have therefore been developed for Health Boards, in order to make provision for the healthcare-related rules which have been removed from the Prison Rules.

5. Part 2 of the Prison Directions also clarifies the circumstances in which a Health Board may enter into a contract for the provision of primary medical services in prisons, and the conditions which apply should a Health Board wish to establish one or more practices for the purposes of providing primary medical services in prisons. It does not include the use of the General Medical Services contract, a Section 17C agreement, or direct employment of general medical practitioners.

Prison Healthcare Guidance

6. This guidance is a statement of good practice in the provision by Health Boards of healthcare to prisoners in prisons. This guidance is intended to supplement the Prison Healthcare Directions.

The Direct Provision Directions

7. These Directions provide for circumstances where a Health Board wants to provide primary medical services *directly* pursuant to section 2C(1) of the 1978 Act by establishing one or more practice(s). In such circumstances the practice(s) must fulfil certain requirements. Direction 3(3) sets out who may work at such a practice: employee(s) of a Health Board (under an employment contract), or health care professional(s) (under a contract for services) or a mixture of the two.

Scope of the Direct Provision Directions

8. These Directions **do not apply**:

(i) where a Health Board provides primary medical services otherwise than by establishing a practice (for example through its employees working under its direction and control, but not in a practice); and

(ii) where a Health Board wishes to establish one or more practices for the purposes of providing primary medical services to prisoners in prisons pursuant to section 2C of the 1978 Act.

The Contract Directions

9. These Directions provide for circumstances where a Health Board wishes to enter into an arrangement with a contractor to provide primary medical services under section 2C(2) of the 1978 Act, but **does not include:**

- a general medical services contract;
- a section 17C agreement; or
- an arrangement which a Health Board enters into for the provision of primary medical services to prisoners in prisons.

The Contract Directions also clarify beyond doubt when an HBPMS contractor will have sufficient involvement in patient care.

Action

10. A copy of all the Directions and Guidance is enclosed. NHS Boards are asked to make them available to any practitioner who may require to see them and to bring this Circular to the attention of their Area Medical Committee and the secretary of the GP sub-committee. An electronic copy of the Directions can be found on the SHOW website.

<http://www.show.scot.nhs.uk/publications/publication.asp>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Strang', with a stylized flourish at the end.

Frank Strang
Deputy Director, Primary Care Division