

**From:** XXXXXX, XXXXX (LS) <XXXXXXXXXX@Wales.GSI.Gov.UK>  
**Sent:** 01 August 2014 09:22  
**To:** XXXXXXX, XXXXX (HIW) <XXXXXXXXXXXX@Wales.GSI.Gov.UK>  
**Cc:** XXXXXXX, XXXXXXX (HIW) <XXXXXXXX.XXXXXXX@Wales.GSI.Gov.UK>;  
XXXXX, XXXX (HIW) <XXXX.XXXXX@Wales.GSI.Gov.UK>  
**Subject:** RE: Possible registration with HIW

Hi XXXXX

### **Crime Reduction Initiatives (CRI)**

CRI is a registered charity operating throughout England Wales. It provides a service to individuals, either on a voluntary basis or on statutory order, facilitating the treatment of drug addiction. The service includes dispensing of controlled drugs (i.e. Methadone and Buprenorphine) onsite.

The service is accessed via a number of methods:

Self referrals

Court Order

GP or other health professional referral

However, the settings will only accept referrals in relation to service users who have been in recent contact with the criminal justice system.

The service has 5 sites in Wales, each of which have set opening times. Each site has a registered nurse, with two doctors splitting their time between the 5 sites.

The services are funded in the following ways:

Cardiff, Pontypridd, Merthyr and Vale – funding comes from Probation and Police Crime Commissioning

Newport- Funding comes from National Probation Service

The Alcohol service in Blackwood is funded by the local authority via the Area Planning Board.

CRI have enquired whether the service they provide falls to be registered under Part 2 of the Care Standards Act 2000 (the Act). My advice is based on the information as supplied, above.

### **Is there an Establishment?**

Whilst there is no definition of an establishment in the Act, in our view 'establishment' anticipates the existence of physical premises in which an activity is carried out with some degree of permanence and organisation. The information provided confirms that each of the five settings have a fixed location and set opening times. These arrangements suggest a sufficient degree of permanence and organisation to form an "establishment" under the Care Standards Act 2000.

## Independent Hospital?

To fulfil the definition under s.2(3)(a) of the Act there must be an establishment -

***“(i) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or***

***(ii) in which (whether or not other services are also provided) any of the listed services are provided;”***

The main purpose of the settings is to provide medical treatment for an illness, namely drug addiction, which satisfies the requirement under s.2(3)(a)(i) of the Act.

Regulation 3(3)(a) of the Independent Health Care (Wales) Regulations 2011 (the Regulations) provides the following exception:

*“an establishment which is a hospital by virtue of [section 2\(3\)\(a\)\(i\)](#) solely because its main purpose is to provide medical or psychiatric treatment for illness or mental disorder or palliative care but which has no approved places;”*

The definition of “approved places” is contained within Regulation 2 of the Regulations: *““approved places” means, in relation to an independent hospital, a bed which is available in accordance with any condition placed upon the registration of any person in respect of the independent hospital, for the use by a patient at night;”*

It is my understanding that none of the services offer overnight beds to patients. This exception therefore applies and exempts CRI from registration as an Independent Hospital.

## Independent Clinic?

Under s.2(4) of the Care Standards Act 2000 an Independent clinic ***“means an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).***

***But an establishment in which, or for the purposes of which, services are provided by medical practitioners in pursuance of the [\[National Health Service Act 2006\]](#) or the [National Health Service \(Wales\) Act 2006](#) is not an independent clinic.”***

A Registered Medical Practitioner is defined in Schedule 1 of the Interpretation Act 1978 as ***“a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practice under that Act”.***

A person registered under the Medical Act 1983 is a doctor registered with the GMC. CRI has confirmed that two doctors provide their services at the 5 sites.

The definition contained within s.2(4) of the Act provides an exemption from registration if any of the services provided by medical practitioners are in the pursuance of the National Health Service (Wales) Act 2006.

Whilst the registration form suggests that referrals to the service can be made via a service user's GP, referrals will only be accepted in relation to service users who have had recent contact with the criminal justice system. There are funding arrangements in place either via the probation service or the Police and Crime Commissioner. The medical practitioners therefore do not appear to be providing a service pursuant to the National Health Service (Wales) Act 2006.

Regulation 4(2) of the Regulations provides the following exception in relation to the meaning of an establishment of a prescribed kind as set out in s.2(4) of the Act:

*“Paragraph (1) does not apply if the medical services are provided **only** under arrangements made on behalf of the patients by—*

*(i) a prison or other establishment in which the patients are held in custody, other than pursuant to any provision of the [Mental Health Act 1983](#),”*

This exception does not appear to apply in this scenario, as although some service users will be prison leavers, the medical services are not provided **only** under arrangements made by the prison.

## **Conclusion**

In relation to the drug treatment services CRI appear to require registration under Part 2 of the Act as an Independent Clinic.

The registration query form indicates that CRI have been dispensing controlled drugs for 5 years. Providing the arrangements as set out in the form have not changed the setting should have been registered for the duration of this time. It would appear therefore that CRI have been committing an offence under s.11 of the Act, by carrying on a service without being registered to do so. However, CRI have been proactive in their approach and dealings with HIW, which must be considered when determining what action to take.

CRI should submit an application to register with HIW as a matter of urgency. HIW will need to consider what advice to give CRI in relation to carrying on their service whilst the application process is ongoing.

## **Alcohol Detoxification Service**

CRI also provides an alcohol detoxification service in Blackwood. This setting employs a doctor and a nurse. It receives referrals both from the Court system and GP referrals. Funding for this service is received from the Gwent Area Planning Board. HIW will need to assure themselves as to whether the services being provided at this setting by medical practitioners are pursuant to the National Health Service (Wales) Act 2006. If any of the medical services provided by the doctors at this setting are pursuant to the NHS (Wales) Act 2006, then this is likely to exempt the setting from registration under Part 2 of the Act.

I hope this assists. Please do not hesitate to contact me, should you require any further assistance.

Kind regards

XXXXX

**From:** XXXXXXXX, XXXXX (HIW)  
**Sent:** 30 July 2014 12:42  
**To:** XXXXXXXX, XXXXX (LS)  
**Cc:** XXXXXXXX, XXXXXXXX (HIW); XXXXX, XXXX (HIW)  
**Subject:** FW: Possible registration with HIW  
**Importance:** High

Hello XXXXX

Please see registration query form below for possible registered provider. I'm currently seeking information regarding any NHS work and will forward that on shortly.

Kind Regards

XXXXX

XXXXX XXXXXXXX

XXXXXXXXXX XXXXXXXXXXXX

Arolygiaeth Gofal Iechyd Cymru / Healthcare Inspectorate Wales  
Llywodraeth Cymru / Welsh Government  
Cymru Adeiladau'r Llywodraeth / Welsh Government Buildings

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SICRHAU GWELLIANT TRWY AROLYGU ANNIBYNNOL A GWRTHRYCHOL  
DRIVING IMPROVEMENT THROUGH INDEPENDENT AND OBJECTIVE REVIEW

Any of the statements or comments made above should be regarded as personal and not necessarily those of the National Assembly For Wales, any constituent part or connected body.

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unrhyw ran ohono neu unrhyw gorff sy'n gysylltiedig ag ef.

**From:** XXXXX XXXXXXXXXXXX [mailto: XXXXX.XXXXXX@cri.org.uk]

**Sent:** 30 July 2014 12:35

**To:** XXXXXXXX, XXXXX (HIW)

**Subject:** RE: Possible registration with HIW

**Importance:** High

Dear XXXXX,

Please see attached the Query Form. Thanks for your advice, support and help. Please let me know as soon as possible where we stand so we can make appropriate arrangements.

Kind Regards

XXXXXX XXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXX (XXXXXXXXXXXX)

**From:** XXXXXXXX, XXXXX (HIW) [mailto:XXXXXXXXXXXX@Wales.GSI.Gov.UK]

**Sent:** 30 July 2014 11:56

**To:** XXXXXXX XXXXXXX

**Subject:** Possible registration with HIW

Good Morning XXX XXXXXXXX

Further to our phone conversation please see attached the registration query form. As discussed, if you can put as much detail as possible and return it to me we can find out if you are required to be registered.

Kind Regards

XXXXX

XXXXX XXXXXXXX

XXXXXXXXXXXXXXXXXXXX

Arolygiaeth Gofal Iechyd Cymru / Healthcare Inspectorate Wales

Llywodraeth Cymru / Welsh Government

Cymru Adeiladau'r Llywodraeth / Welsh Government Buildings

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Company Registration Number 3861209 (England and Wales).

Registered Office: 3rd Floor, Towerpoint, 44 North Road, Brighton, East Sussex, BN1 1YR