**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**Responsibilities of Welsh Local Authorities without Secure Estate Establishments in their Area**

# Introduction and context

Part 11 of the Social Services and Well-being (Wales) Act 2014 concerns adults
and children in the secure estate. Part 11 requires that the principles of the Act – maximising well-being, emphasising prevention and early intervention, and a
co-productive approach – apply fully to both adults and children who are detained in the secure estate. This briefing paper forms part of the suite of learning materials that have been developed to support the Act’s implementation. The full range of materials on Part 11 can be found on the [Information and Learning Hub](http://www.ccwales.org.uk/learning-resources-1/people-in-the-secure-estate).

This briefing paper deals with the responsibilities of local authorities without a secure estate establishment in their area. These will be considerable, not only for children, where the responsibility normally remains with the home local authority, but also in the planning and delivery of adult prisoner resettlement.

# Adults

Local authorities with secure estate establishments within their boundary must meet the care and support duties for those adults detained in them **regardless** of their place of ordinary residence in Wales or elsewhere before their detention. However, the local authorities where people ordinarily reside have considerable responsibilities, crucial to the successful operation of the Act. The main ones are covered in the following sections.

## Resettlement and homelessness planning

For those who have had a care and support plan during their prison sentence, planning for their return to the community is vital and their local authority of ordinary residence needs to be fully involved. The diagram below illustrates the process
and the respective resettlement responsibilities in the [National Care and Support Pathway for adults in the secure estate](http://gov.wales/docs/phhs/publications/160218pathwayadulten.pdf).

As the pathway makes clear the National Probation Service (NPS) or Community Rehabilitation Company Wales (CRCW) will initiate the process. The release preparation meeting should take place 12 weeks prior to release and a critical review of accommodation should be part of that process. The release preparation meeting may well trigger referrals to the home local authority for a care and support needs assessment, and to local authority housing.

**NPS / CRCW**

Instigate release preparation meeting…

to consider adult’s resettlement plan

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| --- |
| It should be noted that there is no women’s prison in Wales, and in most instances local authority staff will be responding to requests for involvement from Eastwood Park in Gloucestershire. |

**Release Preparation Meeting**

Considers accommodation, care and support, and health needs

**NPS / CRCW** makes referrals as appropriate

Adult’s home local authority undertakes an assessment or review of the plan

**Health staff**

Undertake health needs assessment

**Housing**

Undertake a housing assessment

People coming out of prison, referred for care and support needs, may well have been assessed during their sentence and some will have received a care and support plan. In that case the home local authority assessment will need to take a fresh look at care and support needs in the context of the release plan and the level of support given in custody. Many more will have had an assessment followed by referral to Information, Advice and Assistance provision, whether provided directly by the prison, the prison area local authority or another agency. Many will require further support of this kind on release and staff should ensure that they tailor post-release advice or assistance to the new setting.

All research points to a very high level of housing vulnerability and homelessness among people being released from prison. The Welsh Government launched the [National Pathway for Homelessness Services to adults in the Secure Estate](http://gov.wales/topics/housing-and-regeneration/services-and-support/homelessness/national-pathway/?lang=en) in 2015. The pathway is designed to dovetail with the National Care and Support Pathway.

The Housing Act (Wales) 2014 changed the criteria for priority in housing for those coming out of custody. The main requirements now are a local connection with a housing authority and vulnerability as a result of one of the following:

Having served a custodial sentence

Having been remanded to custody

Having been remanded in youth detention

The focus on priority need is no longer as important. Every person is entitled to help, and the requirement for the local authority to be satisfied whether priority need exists comes right at the end of the journey after other work has been completed. This means a key role for the home area housing department.

Under section 68 of the Housing Act (Wales) 2014 emergency accommodation is still available for people who have no alternative, should the local authority have a reason to believe the person may be eligible, may be homeless, or may have a priority need.

After the release preparation meeting and referral, the following are the key steps:

**66 days before release** NPS / CRCW must undertake a critical review of accommodation and liaise with the home local authority

**Seven days prior to release** – local authority offer of suitable accommodation

**Day of release** – home local authority can provide emergency accommodation as needed

## Information exchange

Under the published guidance to Section 11 **local authorities must work with the National Offender Management Service (NOMS) and Youth Offending Teams (YOTs) to provide information that may be requested in order to complete
pre-sentence reports required by the courts**, and provide that information as soon as practicable after receiving the request.

Information about any previous assessments and people’s needs prior to them being in custody will be sought by local authority and health workers undertaking assessment in the secure estate. Information should be shared as soon as possible, within the terms of the Wales Accord on Sharing Personally Identifiable Information (WASPI). Local health boards, NHS trusts and local authorities are signatories to this protocol and these arrangements are compliant under the Data Protection Act 1998.

## MAPPA and MARAC

Multi Agency Public Protection Arrangements (MAPPA) in England and Wales are the way in which responsible authorities manage registered sex offenders, violent and other types of sexual offenders and offenders who pose a serious risk of harm to the public. MAPPA includes the NPS in Wales, HM Prison Service and police forces in Wales. **Local authorities have a duty to co-operate and may need to respond to MAPPA timescales and requirements (six months prior to release) in respect of people coming to their area on release.**

Domestic Abuse Multi Agency Risk Assessment Conference (MARAC) is the way in which agencies co-operate to protect victims of domestic abuse. Local authorities are key partners in these arrangements and domestic abuse cases will often have stringent conditions applied which may need to be reflected in a care and support plan, particularly in relation to accommodation and placement post-release. **For cases where individuals are coming to the local authority area on release, the local authority must co-operate with MARAC.**

# Children in the Secure Estate

For those under 18 years old in the secure estate, the central principle is that the local authority for the child’s ordinary area of residence has responsibility for assessing and meeting their care and support needs. The only exceptions are some cross-border situations and those children with no area of ordinary residence. The responsibilities are summarised in the table below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Ordinary residence** | **Status of child** | **Detention location** | **Who is responsible?** |
| No ordinary resident status | Migrant or no ordinary resident status | Wales | Welsh LA where child is detained |
| Ordinary resident in Wales | Regardless of previous involvement with social services | Wales | Welsh home LA |
| Ordinary resident in Wales | S20 or 31 of the Children Act 1989 prior to being detained | England | Welsh home LA |
| Ordinary resident in England | S20 or 31 of the Children Act 1989 prior to being detained | Wales | English home LA |
| Ordinary resident in England | No prior involvement with social services or not looked after | Wales | Welsh LA where child is detained |
| Ordinary resident in Wales | No prior involvement with social services or not looked after | England | Dual responsibility |

Home local authority staff will need to be aware of the responsibilities outlined above and be able to work effectively on assessment, planning and delivery of care and support with detention staff. Equally, they will have responsibilities within the [National Care and Support Pathway for Children and Young People in the secure estate](http://gov.wales/docs/phhs/publications/160218pathwaychilden.pdf). This operates in a similar way to the adult process, but relies strongly on the sustained input of the home local authority and good liaison with the YOT as illustrated below:

**YOT**

Instigate release preparation meeting…

to consider child’s resettlement plan

|  |
| --- |
|  |

Child’s home local authority undertakes an assessment or review of the plan

**Release Preparation Meeting**

Considers accommodation, care and support, and health needs

**YOT** makes referrals as appropriate

**Health staff**

Undertake health needs assessment

**Housing**

Undertake a housing assessment

A key issue for all local authorities will be the arrangements for transition. When people turn 18, responsibility moves to the local authority for the adult establishment concerned. Given the vulnerability of many young people at this stage, care will need to be taken to ensure effective handover. This needs, crucially, to involve the young person in order to apply the Act’s principle of co-production. Though the prison local authority may assume responsibility, the operation of the resettlement pathway will mean the later re-involvement of the home local authority in any event. Again good local liaison with criminal justice agencies will be crucial.

The only exception on transition relates to those children who have been in care who reach the age of 18 in custody. The home local authority retains its responsibilities
for care leavers. Certain duties are suspended where there is no ability to fulfil them during detention, but they are triggered again when the individual is released – for example the provision of accommodation, and support in respect of education and training. If the special needs and entitlements of care leavers after the age 18 are to be met effectively, good planning and liaison based on the resettlement pathway will be especially important, and this implies some continuity of contact during the period of detention.