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Social Services and Well-being (Wales) Act

PART 11: Those in the secure estate – Adult Resettlement

27 January / 3 February 2016



#SSWbAct

The new approach

- On 6 April 2016 new 'care and support' arrangements under the 2014 Act will come into force - the focus is on:
 - 'people' including children and their families, adults and carers
 - meeting a person's need for care and support to maximise their wellbeing and encourage citizen independence
 - increasing the amount, range and use of preventative services available in the community to maximise citizen independence and enable greater self-control of their wellbeing outcomes

The new approach

Key elements within the 2014 Act are:

- Information, Advice and Assistance (IAA)
- Assessment/Eligibility Criteria
- Care and Support Plans, and Review; and
- Portability of Care and Support

These are all applicable for those in the secure estate and equally applicable for those adults leaving the secure estate.

From April 2016 local authorities will be responsible for assessment and meeting the care and support needs of adults in the secure estate in Wales.

What is dis-applied

The Act has been constructed on an inclusive basis with the exception that adults and children in custody cannot:

- be carers;
- receive direct payments;
- express a preference for their accommodation while in custody except for the purposes of planning for their release; and
- have a right to their property being cared for while away from home.

ALL other provisions of the Act apply including the Information, Advice and Assistance Service and preventative and well-being services.

Male adult secure facilities in Wales

Name	Type	Population	Local Authority
HMP Cardiff	Local/ Resettlement	Males from 18 years of age	Cardiff
HMP Swansea	Local/ Resettlement	Males from age 18	Swansea
HMP Parc	Local/ Training/ resettlement	Males from age 18	Bridgend
HMP Usk	Training prison - Sex Offender Treatment site	Males from 21 years of age	Monmouth
HMP Prescoed	Open Prison/ Resettlement	Males from 18 years of age	Monmouth

NOMS data as at June 2015

Adult facilities in England

Male

- Adult males from Wales could serve their sentence in almost all of the 108 prison in England as well as those facilities in Wales. Significant numbers go to HMP Altcourse in Liverpool; HMP Oakdale in Wolverhampton and HMP Stoke Heath in Shropshire.

Female

- There are no female prison facilities in Wales.
- HMP Eastwood Park (majority) in Gloucestershire and HMP Styal (minority) in Cheshire are part of the women's secure estate
- There are no approved premises for women in Wales and only limited bail accommodation.

Approved premises in Wales

Name	Type	Population	Local authority
Quay House	Approved Premises	Male 18+ years	Swansea Local Authority
Ty Newydd	Approved Premises	Male 18 + years	Gwynedd Local Authority
Plas Y Wern	Approved Premises	Male 18 + years	Wrexham Local Authority
Manderville House	Approved Premises	Male 18 + years	Cardiff Local Authority

NOMS data as at June 2015

Bail accommodation in Wales

Type	Male/Female	Local authority
Bail Accommodation	3 Male places	Bridgend
Bail Accommodation	4 Male places	Cardiff
Bail Accommodation	2 Female places	Cardiff
Bail Accommodation	3 Male places	Llanelli
Bail Accommodation	3 Female (Temp) places	Merthyr Tydfil
Bail Accommodation	3 Male places	Newport
Bail Accommodation	2 Male places	Newport
Bail Accommodation	3 Male places	Swansea
Bail Accommodation	3 Male places	Swansea
Bail Accommodation	3 Female places	Wrexham
Bail Accommodation	3 Male places	Wrexham

NOMS data as at June 2015

Adults in the secure estate

Adults

- The Welsh local authority in which the prison is based is responsible for meeting the prisoner's care and support, whether they are from Wales, England or another nationality.
- In a reciprocal arrangement Welsh adults in prison in England will have their care and support needs met under the Care Act 2014, and will be the responsibility of the local authority in which they are detained.
- **HOWEVER**, when prisoners are planning to be released and resettle in the community, the duty will move to the local authority where they are planning to relocate and portability arrangements apply.

Portability arrangements

- Portability is covered in Part 4 (Meeting Needs) and looks to ensure continuity of care.
- It applies to those receiving 'care and support' when they move across local authority boundaries in Wales.
- Part 4 states: 'sending' authority must notify the 'receiving' authority of the intended move and ensure information contained within the assessment and care and support plan is made immediately available to the new authority.

Portability arrangements

- The 'receiving' authority **must**, carry out a new assessment of needs, having regard to any changes arising from the move.
- A local authority **must** maintain the provisions in any care and support plan if a new assessment has not been undertaken prior to the move, until such time as a new assessment is undertaken.
- Supplementary guidance also sets out roles in resettlement and transfer.

Cross Border arrangements

- In some cases adults in the secure estate will move across the English/ Welsh border – inter prison transfers or resettlement (Females).
- While neither the portability arrangements in Wales, nor the continuity of care arrangements in England formally apply; the devolved administrations and Whitehall have agreed a common approach.

Principles of cross border continuity of care within the United Kingdom: Annex 2, Part 4 code of practice.

<http://gov.wales/docs/phhs/publications/160106pt4en.pdf>

Part 11 Code of Practice

The code of practice for Part 11 sets out:

<http://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

CCW Link:

<http://www.ccwales.org.uk/the-act/>

To further support those implementing Part 11 Supplementary Guidance and two national pathways (children and adults) which have been developed with input from a wide range of stakeholders.

Part 11 Code of Practice

The code of practice sets out...

- how local authorities must meet the care and support needs of adults while they are in the secure estate;
- how local authorities must meet the care and support needs of those resettling into the community, including residing in approved premises and bail accommodation;
- how local authorities must work with other stakeholders to deliver these care and support arrangements – develop an Memorandum of Understanding (MOU)

Part 11 Code of Practice

- There are three PSIs developed in conjunction with NOMS to support the Care Act/SSWB Act:
 - PSI15/2015 Adult Social Care
 - PSI16/2015 Adult Safeguarding
 - PSI17/2015 Prisoners assisting other prisoners
- PSI 16/2015 Adult safeguarding is being revised - template for an MOU
- Safeguarding Adults Boards have responsibility to protect adults who have needs for care and support and are experiencing risk, abuse or neglect.
- NPS and CRCW are statutory partners on safeguarding adult boards

Working with other partners

- Local authorities must find ways to work with:
- Probation - National Probation Services; Community Rehabilitation Company Wales, approved premises managers
- Healthcare - in the secure estate and in the community;
- Local authority housing colleagues – duties under the Housing (Wales) Act 2014);
- Third sector agencies;
- Secure estate in Wales, and in England

Key task for this afternoon

We'll need to consider...the importance of:

- understanding what other agencies are involved;
- do social services staff need to adapt their working to deliver care and support to those in approved premises/ bail accommodation;
- do social services staff need to adapt their working to deliver care and support to those planning their release; upon release and living in the community;
- What more needs to be done and by whom to achieve the above?

For further information about implementation activity in your area, please contact your Regional Implementation Manager:

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