



Llywodraeth Cymru
Welsh Government

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Social Services and Well-being (Wales) Act

PART 11: THOSE IN THE SECURE ESTATE

The new approach

- The new 'care and support' arrangements under the Act will focus 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

The key elements that we are building are:

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

These are all applicable for those in the secure estate.

What the Act provides for prisoners

From April 2016 local authorities in Wales will be responsible for assessment and meeting the care and support needs of:

- Adults in the secure estate in Wales;
- Welsh children who are in the secure estate whether in England or Wales;
- certain categories of English children placed in the secure estate in Wales

What the Act provides for prisoners

Adults

- The Welsh local authority in which the prison is based is responsible for meeting the prisoners care and support, whether they are from Wales, England or another nationality.
- 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.

What the Act provides for prisoners

Children and young people

- Welsh children in the secure estate, whether in England or Wales will be the responsibility of the child's 'home' Welsh local authority – where they were deemed to be ordinary resident prior to being in custody.
- Certain categories of English children in the secure estate in Wales will be the responsibility of the Welsh local authority where they are detained.

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.

Code of Practice

The code of practice for Part 11 sets out:

- how local authorities must meet the care and support needs of adults, children and young people while they are in custody;
- how local authorities must support prisoners to obtain the care and support they may need when they are resettled back into the community;
- how local authorities must work with other stakeholders to deliver these care and support arrangements.

Code of Practice

The code states that local authorities must:

- Find ways to provide information, advice and assistance and preventative service in the secure estate;
- Find ways to undertake the assessments in the secure estate and how to carry these out proportionately;
- Identify how to implement portability and cross border arrangements;
- Be clear about the staff responsible and produce a training plan to consider workforce implications.

Part 6 – looked after and accommodated children

- Part 6 of the Act sets out provisions for ‘looked after children’, ‘accommodated children’ and provisions for care leavers.
- S97 extends duties that local authorities are responsible for visiting all children in prison.
- While children are in the secure estate they are NOT entitled to the care leavers provisions but these must be reinstated on release.
- Regulations and code of practice for Part 6 are coming in tranche 2. Consultation on these elements will follow in 2015.

Consultation Questions

1. To what extent do you agree that this chapter supports local authorities to undertake the new duties in the Act?
2. Are there elements of the care and support system that could be better delivered to those in the secure estate through national collaboration between local authorities?
3. How can the code of practice on Part 11 better support the involvement of families of offenders to minimise the impact of custodial sentences on the wider family?