

Supplementary Guidance to support the code of practice Part 11 Social Services and Well-being (Wales) Act 2014
ANNEX 3: National Care and Support Pathway for Children and Young People in the secure estate

ANNEX 3

National 'Care and Support Pathway for Children and Young People in the secure estate

This pathway is to be read in conjunction with both the code of practice for Part 11, Social Services and Wellbeing (Wales) Act 2014 and the supplementary guidance produced to support those providing care and support to those in the secure estate.

This pathway should also be read in conjunction with the statutory guidance underpinning the Housing (Wales) Act 2014 and national pathways for homelessness service to children, young people and adults in the secure estate.

Children and young people have rights and entitlements under both of these Acts.

Audience	Local authorities in Wales; Local Health Boards; National Offender Management Service (NOMS), which includes HM Prison Service, National Probation Service and Community Rehabilitation Company Wales (CRC Wales); Police and Crime Commissioners in Wales; Police; Integrated Offender Management (IOM) Cymru Board; Youth Offending Service, Parc Young Offender Institute (YOI); Hillside Secure Children's Home (SCH); Youth Justice Board as well as third sector and partner organisations involved with supporting those in the secure estate in Wales
Overview	This document sets out key steps, and those responsible at each step, for identifying, referring, assessing and meeting the care and support needs of young people in the secure estate held in custody in Wales or England, and in planning for, and upon their release back to the community.
Action required	For practitioners and stakeholders to be aware of their responsibility under the Social Services and Well-being (Wales) Act 2014 , in particular Part 11, and to the modifications of the provisions of the Act in respect of persons within the secure estate within sections 185 -188 http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=5664 Part 11 needs to be read alongside other Parts of the 2014 Act, but in particular with Parts 3, 4

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	and Parts 6 which set out the duties that are subject to modification within Part 11.
Further information	Social Services and Integration Welsh Government Cathays Park, Cardiff, CF10 3NQ
Additional Copies	The Supplementary Guidance and Pathways are available from the Care Council for Wales Information and Learning Hub website at: http://www.cgymru.org.uk/y-ddeddf http://www.ccwales.org.uk/the-act
Related documents	• Social Services and Well-being (Wales) Act 2014 • Housing (Wales) Act 2014 • Offenders Rehabilitation Act 2014 • Mental Health (Wales) Measure 2010 • Code of Practice for Social Services and Well-being (Wales) Act 2014 • Legal Aid, Sentencing and Punishment of Offenders Act 2012 • Southwark Judgement 2009 • National Standards for Youth Justice 2013

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Introduction

The Social Services and Well-being (Wales) Act 2014 (the Act) gained Royal Assent on 1 May 2014 and will come into effect in Wales in April 2016. The Act focuses on well-being, on rights, on entitlements, on empowering people to have a new relationship with social services. It is about supporting people who deliver social services, empowering them to co-produce solutions with people themselves.

Well-being outcomes underpin the new system, which has early intervention and prevention at its heart. The Act will transform the way social services are delivered, promoting people's independence to give them stronger voice and control.

Integration and simplification of the law will also provide greater consistency and clarity to:

- people who use social services;
- their carers;
- local authority staff and their partner organisations; and
- the courts and the judiciary.

The Act will promote equality, improve the quality of services and enhance access to the provision of information people receive. It will also encourage a renewed focus on prevention and early intervention. Part 11, sections 185 -188 contains modifications of the duties under the 2014 in respect of those persons detained in the secure estate¹ – adults and children.

¹ The secure estate is a generic term used to describe different custodial types of custodial establishments for children and adults.

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This Pathway

This pathway has been developed to provide a step by step journey for children and young people when they are detained in the secure estate and sets out the many opportunities for their care and support to be considered and acted upon.

Those reading this pathway need to understand that Part 11 of the Act is not stand alone, and it, the code of practice and supplementary guidance must be read in conjunction with other parts of the Act and the relevant codes of practice particularly, Part 3 assessing needs, Part 4 meeting needs and Part 6 looked after and accommodated children. Access to those documents can be found within the Care Council for Wales Information and Learning Hub.

The steps of the journey are trigger points (which have been mapped against the National Standards for Youth Justice)² that offer opportunities for key staff working with children and young people to check whether they already have care and support needs and/or a current care and support plan; or if they have not been previously identified and they may have such needs, to refer them for a care and support assessment.

The steps in the journey are as follows: The timeline for care and support assessments:

- Pre-sentence
- Reception (remand or sentence)
- In custody
- Pre-release resettlement planning process
- Within days of release
- On release
- After release

² YJB (2013) National Standards for Youth Justice Services London: YJB, from National Standard 9 Planning and Delivering Interventions in Custody and Resettlement into the Community (including Civil Detention Orders) in particular.

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Key terms used within the pathway

YOT	Youth Offending Teams
WHLA	Welsh home local authority
YP	Young person
YJB	Youth Justice Board
NS	National Standards for Youth Justice
Asset/Asset Plus	YJB approved assessment tool used by YOTs across England and Wales
PSR	A pre-sentence report is produced by YOTs in readiness for the court to determine the most appropriate way of dealing with the child or young person.
Sentence Plan	This identifies how the young person will be supported throughout their custodial sentence and their resettlement into the community and should be informed by the youth justice assessment information.

Care and support

The following section sets out what is meant by care and support under the Act and the process undertaken by a local authority to assess someone's care and support needs, how eligibility is determined, and how local authorities will meet any such needs.

The assessment

A local authority must offer an assessment to any child where it appears to that authority that the child may have needs for care and support in addition to, or instead of, the care and support provided by the child's family

A local authority must assess whether a child has needs for care and support and if so, what those needs are. In carrying out the assessment the local authority must be proportionate to need but assess the developmental needs of the child, and seek to identify the outcomes that the child wishes to achieve (to the extent it considers appropriate having regard to the child's age and understanding), and the outcomes that the persons with parental responsibility for the child wish to achieve in relation to the child (to the extent it considers appropriate having regard to the need to promote the child's well-being). The assessment needs to take

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into account the constraints of the secure estate. There must be an assessment of the extent to which the provision of care and support, preventative services, or the provision of information, advice or assistance, could contribute to those outcomes. A key element of the assessment will be to build on young people's strengths and capabilities, through access to appropriate support both inside and outside the secure establishment, to enable the young person to better support themselves both while they are in the secure estate and to better prepare them for release.

The local authority will need to liaise with other professionals if specialist assessments are required and these will be integrated into the care and support plan if a plan is required. The outcome of the care and support assessment will be shared with the child, their parents/carers, secure estate staff, and other agencies working with them to provide their care and support. The local authority will be responsible for gaining consent for this information to be shared from the young person during the course of the assessment.

The local authority must follow the requirements set out in the Care and Support (Assessment (Wales) Regulations 2015, the code of practice for Part 3 assessing needs and use the National Assessment and Eligibility Tool. These are available at:

<http://www.ccwales.org.uk/regulations-and-codes/>

Eligibility

The local authority will determine if any of the child's needs are eligible, as set out in the Care and Support (Eligibility) (Wales) Regulations 2015, the code of practice Part 4 meeting needs. These are available at:

<http://www.ccwales.org.uk/regulations-and-codes/>

If any of the child's needs are **eligible** then the local authority will develop a care and support plan to ensure the required support is delivered. If any of the child's needs are **not eligible** the local authority must still provide information, advice and assistance and signpost and access to preventative services to assist the young person and to prevent them deteriorating further. It is important to remember that eligibility does not mean the young person has access to different services/ support merely that the provision of the service/ support is managed by the local authority.

The care and support plan

The local authority will develop a care and support plan with the child, whose needs are deemed eligible.

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The requirements for care and support plans are set out in the Care and Support (Care Planning) (Wales) Regulations 2015, the code of practice Part 4 meeting needs. These are available at:

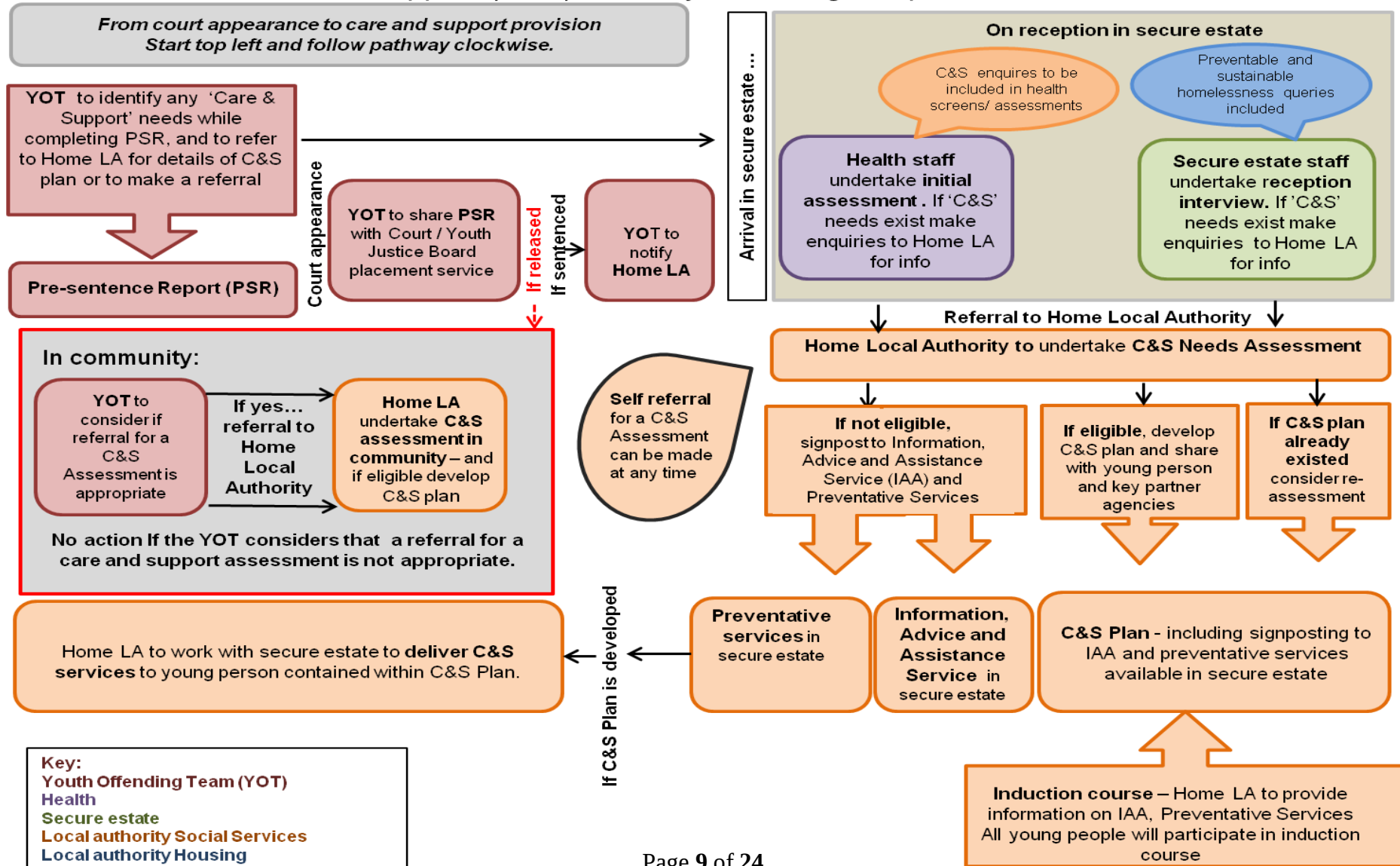
<http://www.ccwales.org.uk/regulations-and-codes/>

The following diagrams outline the pathway for:

- A: those entering the secure estate and while they are in custody and**
- B: as they are preparing for their release.**

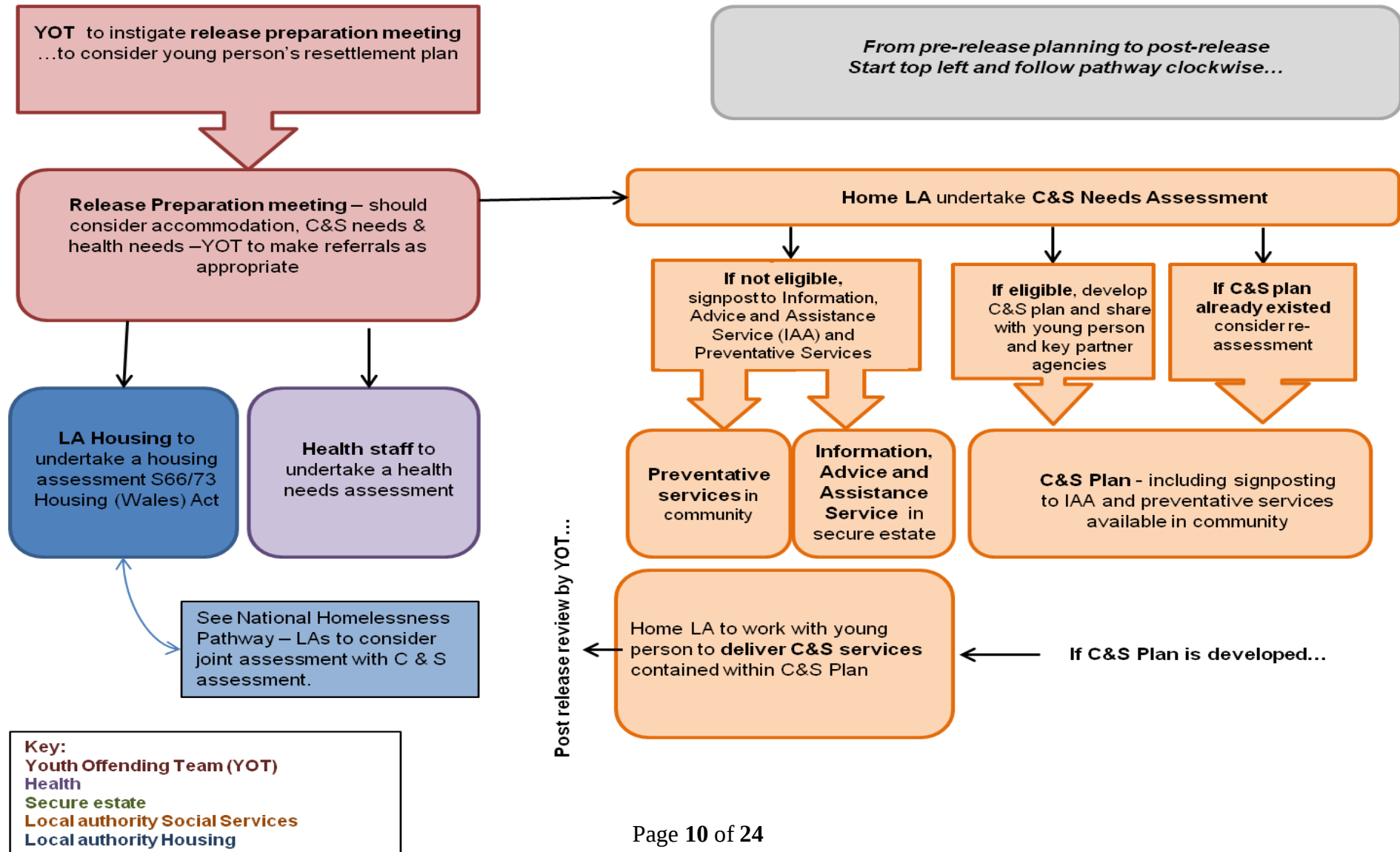
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A: Care and Support (C&S) Pathway for Young People in the secure estate



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B: Care and Support (C & S) Pathway for Young People in the secure estate



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The national pathway for children and young people

Court stage/ pre-sentencing	How	Responsibility
YOT staff complete a PSR, based on an Asset / Asset Plus assessment, prior to sentencing. The PSR includes information about the child's living arrangements, education, health and any involvement with social services. When the PSR is being produced it is an opportunity to identify if there are any care and support needs of the child / young person awaiting trial and/ or sentencing. • The child's care and support needs may already be being met in the community through a care plan or through preventative well-being services. • The child may have been assessed previously but care and support needs were not identified • The child may never have had an assessment The PSR should highlight any care and support being received and the YOT will need to contact the child's Welsh home local authority to learn the current position. PSRs are produced within timescales agreed by the court. It is important that the Welsh home local authority work with the YOT to ensure the information on care and support needs of the child is made available.	PSR will contain details of a child's care and support needs and the way in which these are met, if previously known.	YOT to complete PSR WHLA to liaise with YOT to advise of the current care and support position

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YOTs are responsible for sending placement information to the YJB's placement service, at least 24 hours prior to sentencing. If the child is sentenced, YOTs must send the PSR and all youth justice and risk assessment information and educational history to the YJB's placement service within 24 hours of being sentenced (NS 9.1).	YJB place young people according to their placement protocol ³	YOT send placement information/ PSR to YJB
If the child is sentenced, the YOT is responsible for notifying the WHLA that a placement has been made within 24 hours of that sentence being passed (NS 9.3). NB: The Welsh home local authority has a duty under Part 6 of the Act to visit all children detained in the secure estate within 10 days of them arriving at the secure facility – the receipt of this notification will start the clock for this duty.	WHLA will be notified of the detention and of any relevant information contained within the Asset / Asset Plus system.	YOT to notify WHLA that child is detained.
If the YOT believe that the child may have care and support needs that have not been previously assessed and recorded in the PSR, they can consider making a referral to local authority for an assessment of the child's care and support needs at the same time as they notify the local authority of the custodial sentence.	YOT to make referral for care and support assessment.	YOT refer to WHLA for care and support assessment
When the child is released into the community and the YOT believe that the child may have care and support needs they can consider making a referral to the local authority for an assessment of the child's care and support needs.	YOT to make referral for care and support assessment.	YOT refer to WHLA for care and support assessment

³ YJB Protocol for the placement of Welsh young people into secure accommodation

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The child's family or carers can also make a referral to the local authority for a care and support assessment if they believe the child has care and support needs.	Family/carers can ask YOT to refer or can refer to local authority direct.	Individual family members or carers
Homelessness pathway for children and young people [read across] MILESTONE – Prior to custody - PSR will also capture relevant information about the child/ young person's accommodation. Children and young people are likely to have a priority need for housing under section 70 of the Housing (Wales) Act 2014. Two priority need categories include: - a person who is aged 16 or 17 when the person applies to local authority housing for accommodation or help in obtaining or retaining accommodation or - a person who has attained the age of 18 when the person applies to local authority housing for accommodation or help in obtaining or retaining accommodation but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18. - Children's services will be responsible for accommodation and support for any children and young people in the secure estate who have not yet reach the age of 18.	WHLA to ensure an integrated approach from both social services and housing colleagues - YOTs to support the identification of children and young people with housing issues.	WHLA social services and housing

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On reception into the secure estate	How	Responsibility
Reception Interview: All young people are given a 'reception interview' by secure estate staff within 2 hours (or at most, before the first night) of arrival. This is to establish their risk of harm to themselves and others. Those conducting this interview should have sight of the PSR provided by the YJB placements service. Where the individual has been in receipt of care and support prior to entering the secure estate, details of the care and support needs should have been documented in the PSR. If these details are missing, for whatever reason, this will provide an opportunity for staff to consider if the child has any care and support needs. If immediate care and support needs are identified as a result of the reception interview the secure estate staff will ensure the young person was safe according to the safe custody guidance operating within that establishment. Staff at the secure facility must then make contact with the local authority the next working day to request an assessment for care and support is undertaken as a matter of priority. (The reception interview will also consider the young person's housing situation).	Questions need to be incorporated into the initial assessment script to enable the secure estate staff to consider if there are any <i>immediate</i> 'care and support needs'. Staff at the secure facility can make a referral for a care and support assessment the next working day	Secure estate staff / WHLA

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Initial Assessment: On arrival in the secure estate all young people are assessed by a registered nurse or doctor as soon as possible. This initial assessment will assess the child's needs and a risk of harm to themselves or others. This assessment will highlight any immediate risks, so that appropriate action is taken to minimise them and includes an assessment of health and mental health needs (NS 9.8/9) Those conducting this initial assessment should have sight of all the youth justice assessment information documents from the YJB's placement team. If immediate care and support' needs are identified as a result of the initial assessment the health assessor conducting the interview would ensure the young person was safe according to the safe custody guidance operating within that establishment. The health assessor must then make contact with the local authority the next working day to request an assessment is undertaken as a matter of priority.	Questions need to be incorporated into the initial assessment script to enable the healthcare staff to consider if there are any <i>immediate</i> 'care and support needs'. Healthcare staff can make a referral for a care and support assessment the next working day.	Healthcare staff / WHLA
If a care and support plan was already in place for the child prior to being sentenced/ detained a review of the plan will be required because of the change of circumstances. A review of the care and support plan should have been triggered once the local authority is notified by the YOT that a child has been detained. This review will need to be undertaken as a matter of priority.	Local authority to undertake a review of the care and support plan	WHLA

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Induction: All young people will receive induction about their rights and entitlements while they are in custody. The induction for young people in the secure estate is likely to be individualised. Work with the young person must include providing them with information about the way in which the care and support process works in Wales, so that the child/ young person understands how to make use of the information, advice and assistance service available to them in the secure facility, and how to self-refer for a care and support assessment. Induction should contain details about the Southwark Judgement and explain its relevance to young people.	The local authority will provide material in order that a new module on the care and support available will be developed and incorporated into the induction course post April 2016.	WHLA
Information, advice and assistance – self referral The secure estate and local authority working together will ensure young people have access to the Information, Advice and Assistance Services and are able to self refer for a care and support assessment.	The local authority to provide information, advice and assistance and a simple referral form.	Secure estate / WHLA
While in custody: Remand and Sentence Planning	How	Responsibility
Within 10 days of the custodial sentence being imposed the YOT and secure estate staff must hold a joint planning meeting (NS 9.16) to develop a sentence plan for the period of time the young person is in custody. The local authority should participate in this joint planning meeting. Remand planning meeting are also held within 10 days NB: The Welsh home local authority has a duty under Part 6 of the Act to visit all children detained in the secure estate within 10 days of them arriving at the	By attending the joint planning meeting and visiting the child/ young person at this time the local authority can consider any care and support needs, conduct an assessment if necessary and discharge its duty to visit all detained	YOT / Secure Estate / WHLA

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secure facility. [The Sentence Plan should be informed by the youth justice assessment information and identifies how the young person will be supported throughout their custodial sentence (NS17) including details of any care and support needs and details of accommodation needs on release. The sentence plan should be distributed to all relevant agencies/individuals 'within a reasonable timescale'; (NS 9.25)].	children/ young people within 10 days of arrival in the secure facility.	
The Sentence Plan should document whether the young person is in receipt of care and support already - either through a care and support plan that was transferred with them into custody, or because of a care and support assessment undertaken since arriving in custody. If the young person is not in receipt of care and support the local authority can use the joint planning meeting as an opportunity to consider if they believe the young person may have care and support needs, and whether they would benefit from an assessment. The care and support assessment can be combined with other assessments i.e. housing, health or education.	Local Authority will assess care and support needs as necessary. YOT / secure establishment will ensure that any care and support is integrated into the Sentence Plan.	WHLA / YOT
The YOT is responsible for reviewing the sentence plan every month during the child / young person's detention. Care and support needs can occur at anytime and may change over time. These should be kept under review at sentence planning meetings. YOT is required to maintain contact with the young person, and their parents/carers, to support them throughout the duration of their sentence and must have contact as a minimum at two-monthly intervals (NS 9.27). This can	YOT to use the regular meetings with the young person / family / carers to review the sentence plan to consider their care and support needs.	YOT / WHLA

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be an opportunity for the YOT to consider the care and support needs of the child/ young person and if so to refer to the local authority for an assessment.		
Young people can self refer for a care and support assessment at any time. The information, advice and assistance service available within in the secure estate will provide young people with the first point of contact and is where the assessment can begin. Family members and carers in the community could also request an assessment for the young person by contacting the information, advice and assistance service in the young person's home local authority or by asking their YOT or other professionals to do so. Alternatively, other professionals working with the secure facility could refer a young person for an assessment. This could include secure estate staff, YOT, health care practitioners, GPs or third sector workers, such as the advocacy support workers who work across the juvenile secure estate.	Self referral by the young person could be through access to a dedicated phone number or Freephone etc. depending on the delivery model adopted locally. Alternatively a simple referral form completed by the child/young person and passed to the relevant local authority. Referral by others working with the child / young person can make a referral.	Young person / family/ carer / other professional
Homelessness pathway for children and young people [read across] MILESTONE – While in custody The YOT is responsible for reviewing the sentence plan every month during the child/ young person's detention. The sentence plan will document housing needs and seek to ensure that opportunities for the child/young person to return home or that suitable accommodation are considered. The YOT must be aware of the 66 days milestone and 7 day milestone in the homelessness pathway but a referral to a local authority for housing support could be made at any time. (see	YOT is responsible for considering the accommodation needs of the child/ young person.	YOT

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below).		
Pre-release work	How	Responsibility
Homelessness pathway for children and young people [read across] MILESTONE - 66 days prior to release if a housing issues has been identified and not resolved the YOT must complete housing needs application form and submit it to the relevant local authority. [If the sentence being served is less than 66 days the YOT need to consider accommodation needs as early as possible]. Section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ensures anyone who was held in youth detention accommodation will legally be defined as looked after and thereby retain priority need status. If the child/ young person is to be released on license (with electronic monitoring) an address will need to be known and assessed as suitable for this purpose and be documented by the YOT prior to release. This should be agreed at the release preparation meeting.	YOT to consider the accommodation needs during their regular review of the sentence plan and at the appropriate time complete a housing needs application form in line with the homelessness pathway.	YOT
The secure estate and YOT will know the planned release date for the young person. Young people's sentence plans are reviewed by the YOT at regular intervals throughout the sentence and will incorporate any plans for resettlement and release.	YOT to arrange the pre release meeting and invite the local authority to consider both housing and care and support needs of the child/ young person.	YOT/WHLA

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YOTs are responsible for organising, in collaboration with the secure establishment, a release preparation meeting 4 weeks before release (NS 9.43). The release preparation meeting should consider all the young person's needs including any accommodation needs / care and support needs and if these exist how these will be met on release. [The local authority has responsibilities for looked after children leaving the secure estate and for care leavers aged 16-17 years]. The YOT should invite the local authority to attend the release preparation meeting, but if the child/ young person has had a care and support plan while they are detained the local authority must participate. The resettlement plan will document the way the child/young person's needs will be met on release. If there is no care and support plan in place while the child/ young person is detained, the YOT should use this release preparation meeting as an opportunity to consider if the individual may have care and support needs upon release, and to refer to the local authority for a care and support assessment if necessary. Before release the child's/ young person's health needs should be assessed prior to transfer into the community, so that the health authority is able to provide planned services on transfer to the community (NS 9.44)	The health needs of the child/ young person will also be assessed prior to release.	Health
If the young person is likely to become a carer, or resume caring duties on release from custody, the local authority will need to consider their support needs. The child/ young person should be informed of the Information, Advice and Assistance Service within their local area.	Local authority to consider support for a young carer.	WHLA

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YOT will arrange a final release meeting 10 days prior to release (NS9.47). This provides a further opportunity for the local authority to have put in place any care and support arrangements if these are necessary or for the YOT to consider if there are likely to be any care and support needs on resettlement that have not yet been identified, and to make the necessary referral should they feel this is necessary.	Local authority to attend final release meeting to agree care and support arrangements or for YOT to make necessary referral for a care and support assessment.	YOT / WHLA
Homelessness pathway for children and young people [read across] MILESTONE - Within 7 days of release the local authority will determine whether there is a duty to provide interim accommodation to commence from the date of release in liaison with the YOT and resettlement responsibilities. However, in the majority of cases local authority housing will have had 66 days to find suitable accommodation for the child/ young person and if they have not passed their 21 st birthday on release, they should be provided with details of their accommodation 7 days prior to release.	Local authority housing will need to determine if interim accommodation is required but should in the majority of cases have agreed suitable accommodation for the individual.	WHLA / YOT
Day of release	How	Responsibility
YOT to oversee initial resettlement takes place on day of release and co-ordinate agencies providing support to ensure issues are resolved quickly and pragmatically. Children/ Young people are required to report to the YOT on the day of release (NS 9.53). The YOT caseworker is required to undertake a home visit within five days of release (NS 9.55), and then at least monthly thereafter. Where a sentence might be short or other factors have meant a care and support assessment has not been undertaken, or a care and support plan has	YOT to take opportunity on day of release to further consider care and support needs and make a referral as necessary.	YOT / WHLA

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not be developed in? the days immediately prior to release, the day of release meeting between the YOT and child/ young person will provide the opportunity to further consider if there are any care and support needs, and if so for the YOT to refer to the local authority for an assessment. The young person themselves can also self refer as can the family / carers of the young person who could approach the WHLA for a care and support assessment at any time.		
Homelessness pathway for children and young people [read across] MILESTONE – day of release The child/ young person is required to report to the YOT on the day of release. The YOT is required to undertake a home visit within five days of release (NS 9.55), and then at least monthly thereafter.	YOT and young person working together	
Review post release	How	Responsibility
The YOT is also required to chair a post-release review meeting, within a month of release. This review meeting should be with the young person, their parents/carers and with those agencies/individuals participating in the resettlement plan, including secure estate staff (NS9.54 and 9.57) If there is a care and support plan in place the local authority should participate in the post release meeting. If there is no care and support planning place YOT should consider the care and	YOT to refer to the relevant local authority for a care and support assessment if this is required.	YOT / WHLA

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support needs of the individual post release and refer to the relevant local authority to conduct a care and support assessment if this is deemed appropriate. If following a care and support assessment a need was deemed eligible a care and support plan be developed in conjunction with the young person, their family/ carers and YOT. If following a care and support assessment a need was not eligible' the individual would be directed to the Information, Advice and Assistance Service and preventative services to consider if any further support could be provided this way. Whatever the outcome of the assessment the young person, as well as their family and cares, would be informed that they can approach the Information, Advice and Assistance Service at any time in the future, and that this provides the access point for further support.		
Homelessness pathway for children and young people [read across] MILESTONE – post release review The YOT is required to chair a post-release review meeting within a month of release. Should the YOT have concerns about the suitability of the accommodation sourced by the local authority, or of a new threat of homelessness the YOT should get in touch with the relevant point of contact in the housing department at the local authority.	YOT to contact local authority housing if there are concerns with accommodation.	YOT / WHLA

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Transition to adult services		
Young people released on licence will remain under supervision of the YOT beyond their 18th birthday until the end of their order (if they are subject to a detention and training order). However, young people whose custodial sentence extends beyond their 18th birthday will be transferred to an adult prison establishment The YOT will know the age of the young person and the expected date when the transition to adult supervision would occur and will make arrangements with the relevant service to plan the transfer and to share relevant information. If the transfer within the secure estate is to an adult establishment and that involves transfer to another local authority this should include liaison with the local authority where the new secure estate premises will be and with whom their care and support responsibility will transfer.		YOT