

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET COMMITTEE CORPORATE PARENTING

### REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

18 JANUARY 2017

#### SECURE ESTATE

##### 1. Purpose of Report

- 1.1 To inform the Cabinet Committee of the Local Authority's responsibility in respect of the secure estate following the implementation of the Social Services and Wellbeing (Wales) Act in April 2016.

##### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 The report links to the following priority in the Corporate Plan:

- Helping people to be more self-reliant.

##### 3. Background

- 3.1 The Social Services and Wellbeing (Wales) Act came into effect on 6th April 2016; and accordingly changed the local authority's responsibilities for people in prison. From April 2016, local authorities are responsible for addressing and meeting the care and support needs of all adults and children in the secure estate not just upon discharge but while they are in custody. This is a significant change and additional responsibility for the Local Authority as the Act applies equally to those in the secure estate as for those individuals in the community.

- 3.2 Bridgend County Borough Council has within its boundary, HMP and YOI Parc, which is a Category B Prison with capacity for 2000 male prisoners, the majority being adult offenders. The prison opened in November 1997 and is the only private prison in Wales and is managed by G4S on behalf of the Prison Service. Parc's main population provides Category B and Category C prisoner accommodation for those serving in excess of 18 month sentences. There are two main sections to HMP and YOI Parc:

- Young Persons Unit – for males 15-17years
- Main Prison – for Young Offenders aged 18 to 21 years and Adult Offenders.

The Young Persons Unit accommodates up to 64 young males aged from 15 – 17 years of age.

- 3.3 The young people at HMP & YOI Parc are accommodated on one of two units, Echo 1 and Golf 1. They generally come together each day in small groups for Education (25 hours each week) and some other activities. Each evening there is a period of association before the young people are returned to their rooms for the night.

- 3.4 The unit was initially opened in response to the Youth Justice Board's (YJB) desire to accommodate Welsh young offenders closer to their own homes but accepts young people from across the secure estate. The unit adopts a holistic approach to the effective rehabilitation and resettlement of young people.
- 3.5 The responsibilities of the Children's Services department towards children in Wales are contained in the Social Services and Well-being (Wales) Act 2014 which was implemented on 6 April 2016. There are various parts of the Act that make specific reference to children and young people in the youth justice system. Part 4 of the Act sets out how needs should be met in the care planning process; Part 6 of the Act sets out the functions in relation to looked after and accommodated children; children placed in secure accommodation, care leavers in the youth justice system, children detained in, or remanded to the secure estate and Part 11 contains miscellaneous and general provisions relating to children with care and support needs in youth detention accommodation, prison, approved premises and bail accommodation.
- 3.6 The responsibilities of the Youth Offending Team (YOT) are defined by the Crime and Disorder Act 1998, the Youth Justice and Criminal Evidence Act 1999, the Powers of the Criminal Courts (Sentencing) Act 2000, the Criminal Justice and Police Act 2001, the Criminal Justice and Immigration Act 2008 and the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012. The principle aim of the youth justice system is the prevention of offending and re-offending by children and young people.

**4. Current situation**

- 4.1 In the period since the implementation of the Social Services and Wellbeing Act (Wales) 2014 on the 6<sup>th</sup> April 2016 and 30<sup>th</sup> September 2016 there have been 100 Young People admitted to the young person's unit, 51 from Welsh Local Authority Areas and 49 from English Local Authority Areas. 1 young person from Bridgend was remanded in custody and placed in HMP YOI Parc during this period whilst another Bridgend young person was already in custody having been remanded in February 2016.

**Admissions from Welsh Local Authority Area's 06/04/16 – 30/09/16**

Section 31 (Care Order)	4
Category 2 Child*	10
Remand	22
C&S Needs	5
No LAC Status/C&S Plans	10
	51

\*A category 2 child means a child who (a) is aged 16 or 17, (b) is not being looked after by a local authority or a local authority in England, and (c) immediately before ceasing to be looked after, was a category 1 young person (s104 SSWBA 2014).

### **Admissions from English Local Authority Area's 06/04/16 – 30/09/16**

Section 31 (Care Order)	3
Relevant *	7
Remand	27
No LAC Status/C&S Needs	12
	49

\*A 'relevant child' is a child who is not being looked after by any local authority, but was, before last ceasing to be looked after, an eligible child, and is aged 16 or 17. Leaving Care Act.

- 4.2 There are a number of trigger points where care and support needs could be identified and assessed when a young person arrives in custody. For example, once in custody, YOTs and secure estate staff are responsible for holding a joint planning meeting within 10 days of the custodial sentence being imposed (National Standard for Youth Justice Services 9.16) and for developing a plan for the period of time the young person is in custody.
- 4.4 A 'Sentence Plan' should include whether the young person has ongoing 'care and support needs'. This plan is created when a young person has received a custodial sentence by the court and is a plan as to how the young person's needs will be met during his/her period of incarceration (including health, education behavior/emotional needs). The YOT officer and the prison must hold and jointly chair an initial planning meeting to agree the sentence plan within 10 days of the custodial sentence being imposed. All assessment information held by the YOT is accessible and shared with relevant staff in the establishment. Similarly for remanded young people a 'Remand Management Plan'. The YOT supervising officer and any other relevant professionals must be invited to this meeting, it provides an opportunity to identify care and support needs. It focuses on the pre-sentence detention of the young person, court appearance dates, opportunities for bail application, preparation of the pre-sentence report as well as contact with family and their day to day needs should be drafted. The timescales for developing a 'Remand Plan' is 5 working days. Alongside this, there is also a Looked After Children (LAC) planning process requiring an initial LAC meeting to be held within 20 working days in order to review the Initial Detention and Placement Plan. This is a plan held within the prison to meet the immediate needs of the young person.
- 4.5 All young people remanded into custody become Looked After under the provisions of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 and the Care Planning process should commence immediately when they arrive in custody. However, unless the young person's Looked After status is derived from a Care Order under section 31 Children Act 1989, their Looked After status does not necessarily continue after a young person has been sentenced. For example young

people in voluntary accommodation (under Section 76 of the Social Services and Well-being (Wales) Act 2014) cease to be Looked After following any conviction for which they are detained in youth detention accommodation, in prison, or are required to reside in approved premises. However, their Looked After status remains during any period in which they are being held on remand. But at the same time, Section 15 of the Children and Young Persons Act 2008 imposes a duty on the Local Authority requiring it to undertake an assessment of their needs within 10 working days of their entering custody. Finally, if a young person falls into one of the categories contained in Section 104 of the Social Services and Well-being (Wales) Act 2014 they remain entitled to support and services as a care leaver. Section 104(2) contains a description of the six different categories. Each category is entitled to differing types or levels of support.

- 4.6 All looked after young people must be seen by their allocated social worker within 10 working days of arrival at HMP & YOI Parc. When a looked after young person arrives at HMP & YOI Parc, the allocated social worker will be contacted immediately in order to establish any concerns and to arrange an initial visit. The young person's Independent Reviewing Officer (IRO) should also be contacted to confirm that they are in custody and a LAC Review should be arranged to take place within 20 working days of the young person's arrival at HMP & YOI Parc.
- 4.7 The responsibilities of Local Authorities in respect of the care and support of children in the secure estate depends on previous involvement of social services, the ordinary residence of the child and where they are detained.
- 4.8 Legislation sets out which Local Authority is responsible for meeting the care and support needs of a child in the secure estate. Bridgend has duties towards its own children to assess and meet needs and has duties towards another group of children by virtue of the fact that they are detained in the secure estate located within the authority, i.e. the Youth offending Institution (YOI) Parc Prison.
- 4.9 BCBC is responsible for carrying out an assessment where there appears to be care and support needs and for meeting the care and support needs of the following:
- All children detained in the YOI at Parc Prison who are migrants or who have no ordinary residence.
  - Children who are ordinarily resident in BCBC, who are detained in Parc prison whether or not there was previous involvement from social services.
  - All children detained in the secure estate in England (or Wales) who were looked after by BCBC previously to being detained.
  - All children ordinarily resident in England who were not known to social services or previously known to social services prior to being detained.
  - Joint responsibility with the English local authorities for those children ordinary resident in BCBC detained in England but not known to social services to being detained.
- 4.10 All 100 young people remanded and sentenced to HMP&YOI Parc during this period were the subject of either a Sentence or a Remand plan whilst 5 young people from Welsh Home Local Authority Areas were the subject of Care and Support Plans.

- 4.11 Effective links have been made with the Western Bay Safeguarding Children's Board for the monitoring and assurance that children placed within Parc are receiving services in accordance with the requirements of the Act. The quality and performance management sub-group of the Safeguarding Children Board receives statistics prior to the full board meeting on all those young people, usually resident in the Western Bay area, to ensure that requirements under the Act are being met locally.

### **Next Steps**

- 4.12 The Youth Justice Board, Welsh Government and Local Authority are working together to develop a protocol to ensure that staff in youth offending teams and children's services work together effectively in meeting their responsibilities towards children and young people. The protocol will be shared with HMP YOI Parc Werrington YOI and Hillside Secure Children's Home.
- 4.13 The protocol seeks to define roles and responsibilities, provide guidance to staff and set out joint planning processes. In addition to this, the YJB, together with Local Authorities and Welsh Government are developing a Memorandum of Understanding which is an agreement between Local Authority and secure estate including information sharing as opposed to the local arrangements agreed in the protocol in line with the requirements of the Act.

## **5. Effect upon Policy Framework and Procedure Rules**

- 5.1 There is no effect on the policy framework and procedure rules.

## **6. Equality Impact Assessment**

- 6.1 When officers are in a better position to know the full effect of the proposed new model, an EIA screening (and a full EIA if necessary) will be undertaken, to assess the potential impact on service users and staff.

## **7. Financial Implications**

- 7.1 There will potentially be financial implications arising directly from this report when the protocol described in paragraphs above is finalised. At the present time the duties of the local authority are being discharged within existing resource.
- 7.2 Welsh Government has made available a grant of £236,774 in relation to the secure estate. This grant will be utilised in relation to children if the need is identified as outlined above.

## **8. Recommendation.**

- 8.1 The Cabinet Committee is requested to note the content of this report.

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**10. Background documents:**

None