

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

26 JULY 2016

### REPORT OF THE CORPORATE DIRECTOR – SOCIAL SERVICES & WELLBEING

#### **SOCIAL SERVICES' FUNCTIONS IN RELATION TO PART 11 OF THE SOCIAL SERVICES AND WELLBEING (WALES) ACT 2014 UPDATE, AND TO SEEK APPROVAL TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH HMP PARC PRISON**

##### **1.0 Purpose of Report**

- 1.1 To update Cabinet on the local authority responsibilities in respect of the Secure Estate, following the implementation of the Social Services and Wellbeing Act in April 2016;
- 1.2 To seek approval to enter into a Memorandum of Understanding (MOU) with HMP Parc Prison and other strategic partners to set out agreed procedures for the provision of care and support for prisoners in the Secure Estate;
- 1.3 To seek Cabinet agreement to sign up to an interagency information sharing protocol between Bridgend Council and relevant agencies to support the regular sharing of personal information between those agencies to enable them to deliver effective care and support;
- 1.4 To seek Cabinet approval for a waiver under Rule 3.2.3 from the requirement to seek competitive tenders for the provision of care and support on the basis that there is technically only one organisation which can deliver this service;
- 1.5 Subject to Cabinet's approval of the waiver under Rule 3.2.3, authority is sought to enter into a short term 'pilot scheme' agreement with G4S Medical Services Ltd (G4S) to provide appropriate care and support within the secure estate, on terms to be approved by the Director of Operational and Partnership Services and the Section151 Officer.

##### **2.0 Connection to Corporate Plan**

- 2.1 This report links to the below improvement priorities in the Corporate Plan 2016-20:
  - Helping people to be more self-reliant;
  - Smarter use of our resources.

##### **3.0 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 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 Part 11 of the Social Services and Wellbeing Act (Wales) 2014, applies to adults in prisons, approved premises or bail accommodation in Wales (including those over 18 in youth detention accommodation) and children in youth detention accommodation or bail accommodation in England and Wales.
- 3.3 For Bridgend County Borough Council, that has a training and resettlement prison accommodating 1723 males from the age of 18, within its boundary, this means that all offenders over the age of 18 are deemed to have 'ordinary residence' and the Council is responsible for meeting the care and support needs of individuals with eligible needs.
- 3.4 Over the last year the Social Services and Wellbeing Directorate has been planning in partnership with all agencies involved, how we will meet these obligations for the secure estate population and how we will meet the needs of the prison population and the prison regime (see further detail below and local implementation plan in Appendix A).

### **Adults within the Secure Estate**

- 3.5 Welsh Government has issued a code of practice which sets out the requirements on Local Authorities in the exercise of their social services functions in respect of those being held in custody, bail accommodation and on release.
- 3.6 The responsibilities for the Local Authority, in line with the responsibilities under the Social Services and Wellbeing (Wales) Act, are as follows;
  - Completing care and support assessments for prisoners;
  - Producing care and support plans (with prison and healthcare involvement);
  - Providing care and support services for those with eligible needs;
  - Specialist and moveable items (e.g. walking frames, hoists);
  - When a prisoner is to be released, or transferred to a different prison, to work with the local authority that they are moving to, ensuring continuity of care and support.
- 3.7 What this means for Bridgend County Borough Council (BCBC):
  - Information, advice and assistance must be provided to those in the secure estate while they are detained, in preparation for and on release;
  - Preventative and wellbeing services must be provided to those in the secure estate as for those in the community;
  - For those whose care and support needs cannot be met by signposting to preventive and wellbeing services, the Local Authority must find ways to undertake the assessment of those in the secure estate;
  - Collaboration with partner organisations such as Health, Housing, Third Sector and Education is required to ensure a consistent and consolidated response;
  - The Authority should consider the value of developing an integrated approach with Health to respond to the health and social care needs;
  - The Authority should consider the needs of the wider family and ensure that arrangements are in place for family/carers to raise concerns about care and support needs;

- The national assessment and eligibility tool that will be developed for use across Local Authorities in Wales will be equally applicable for those in the secure estate;
- The national pathways that have been developed for adults and children should be adopted to ensure consistency of outcomes for those who require care and support;
- The Authority must provide an appropriate staff resource that is appropriately skilled and trained to meet the duties under the 2014 Act;
- The Authority must liaise with other Local Authorities where there is more than one Authority involved and where an individual intends to resettle in another area.

### **Children and Young People in the Secure Estate**

- 3.8 In relation to children, 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. The Act sets out which local authority is responsible for meeting the care and support needs of a child in the secure estate. (The details of this can be found in Appendix B). Going forward Bridgend will have duties towards its own children as a home local authority to assess and meet needs but will also have 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.
- 3.9 BCBC will be 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 ordinary 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 ordinary resident in England who were not known to social services or known to social services as a Child In Need 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 or assessed as a child in need prior to being detained.
- 3.10 BCBC also has responsibilities to certain children in the secure estate under Part 6 of the Act (Looked After Children) both as a home local authority and an authority in which a secure estate establishment for children is located. These duties apply to Bridgend's looked after children and in addition the Visits to Children in Detention (Wales) Regulations 2015 ("the VTCD Regulations") specify other categories of children the local authority has a duty to visit and keep in touch with. These are detailed in the attached table (Appendix C). The responsible Local Authority **must** ensure that a local authority representative visits the child within 10 working days of the child first being detained, and thereafter whenever reasonably requested to do so

## **4.0 Current Situation**

### **IMPLEMENTATION**

- 4.1 Welsh Government has a national steering group on the implementation of responsibilities for the four local authorities affected in Wales; the Head of Adult Social Care represents the Council on this group. In January 2016, Welsh Government facilitated a regional workshop in Swansea on *supporting implementation of care and support to adults on release from the secure estate and resettling into the community*. There is currently national work to commission specific training modules for people working within the secure estate which is being developed by the Care Council for Wales in partnership with the Institute of Public Care.

### **Regional Collaboration**

- 4.2 Part 9 of the Act sets out partnership arrangements and these apply to those individuals in the secure estate. There is a need to establish an integrated approach with criminal justice agencies and their existing networks, to both support the individual's care and support needs and to reduce the risk of offending behaviour.

### **Care and Support for Adults**

- 4.3 The local implementation group in Bridgend is well-established with all affected stakeholders represented; the group has focused on readiness for implementation and a local implementation plan has been developed. (Please see local implementation plan in Appendix A). In order to meet the duties and responsibilities required by the Act a pilot approach to implementation has been agreed. To date two senior social work practitioners and a senior Occupational therapist have been appointed on temporary nine-month contracts to carry out assessments and develop managed care and support plans for people within the secure estate, as well as support the work of the existing health board mental health in-reach team; in addition we are currently recruiting for administrative support to work with the team. These posts will be funded by a Welsh Government grant.
- 4.4 The commissioning of care within the secure estate presented a number of problems in terms of the Care Standards Regulations, which have now been resolved with the support of the Care and Social Services Inspectorate for Wales; and how care will be delivered has been subject to discussions with the prison.
- 4.5 In order to enable the establishment of the secure estate service, work has progressed on resolving many of the governance issues associated with the development of this service and a draft Information Sharing Protocol (ISP) and Memorandum of Understanding (MOU) have been developed. Issues around the referral process and protocols and data collection have been agreed in principle. This process has not been straightforward because of the significantly challenging ICT issues associated with the required security processes at HMP Parc.
- 4.6 In preparation for the assumption of new responsibilities under the Act, a mapping exercise was completed on prisoners who may have been eligible for managed care and support; this exercise indicated that in May there were 20 people waiting for integrated assessment and 40 requiring assessment for aids and equipment to

support their daily living. All the assessment, care costs and equipment for social care is now the responsibility of the Local Authority; these needs, prior to the implementation of the Act, would have been met by the prison.

- 4.7 The Team has commenced working in the Prison and an example of the type of people that the team has worked with to date, is a prisoner who was a patient of the Health Board and needed to return to the prison for his long term care and support; in order for him to return he was assessed as needing a room that will be of a sufficient size to ensure there was room for hoisting equipment required and a profiling bed and mattress, there was also a possibility he could have needed a tracked hoists. The care required for this person was four double handling calls per day for care and support.
- 4.8 Local Authorities are already working in partnership with HMP Parc via the Big Lottery Funded project Invisible Walls Wales. The project works with whole families affected by parental imprisonment with an aim of reducing the risk of re-offending, improving outcomes for children and families and reduce the risk of intergenerational offending. The project supports families across South Wales. A social worker is attached to the project from Bridgend CBC and provides advice and assistance for staff who are working directly with families in respect of Child Protection issues. This project is funded until May 2017 at which point decisions will be made by G4S as to whether the project will receive ongoing funding; if funding is identified for this post, it could provide a resource to undertake the assessments in the future.
- 4.9 There is already a Prison Health Partnership Board which plans and delivers health care services to meet the prison's population's needs. Work is progressing on the following:
- that the terms of reference for this Board are extended to include delivery of care and support needs;
  - that the Council's responsibilities to the secure estate in the Housing Act are aligned with the responsibilities for social care and support;
  - Governance arrangements that clarify the roles and responsibilities of stakeholder organisations such as National Probation Service, Prison Service, Community Rehabilitation Company and the National Offender Management Service

### **Care and Support for Children**

- 4.10 In order to ensure that the County Borough meets all of its duties under the Act in respect of those children detained in the secure estate, for whom it is the responsible authority, the following has been put in place:
- A working group has been established by the Head of Service and Group Manager, Safeguarding and Quality Assurance, to lead and agree processes and responsibilities to ensure that the local authority is able to meet all of its obligations to children in the secure estate under the Act.
  - It is proposed that where there appears to be care and support needs for children in the secure estate in Parc Prison, where BCBC is the responsible LA for meeting care and support needs, then as with children in the community an assessment will be undertaken by the assessment team. Where there are eligible care and support needs, then a care and support plan will be drawn up and the case will be transferred to the appropriate long

term safeguarding team for ongoing support; Arrangements for monitoring and review will be the same, as for all children supported by children services.

- The Local Authority will need to ensure that it meets its duty to provide information to those children in the secure estate going forward. There is going to also be a working group set up to look at developing the Information Advice and Assistance service within Bridgend for both adults and children.
- Processes and responsibilities around visits to those children, who are BCBC's responsibility by virtue of the fact that they are detained in the YOI Parc, will need to be discussed and agreed as part of the working group on the secure estate; this group will include representatives from the Youth Offending service.

### **Resource Requirement in the Longer Term**

- 4.11 It is planned that the pilot will continue for up to nine months.; The intention is to evaluate the most effective way to continue to deliver and manage this service in order to determine the resources required to respond to the actual level of demand once it has been established.

### **The Memorandum of Understanding**

- 4.12 The draft Memorandum of Understanding (MOU) sets out the shared strategic intent and joint commitment of Bridgend County Borough Council, with Abertawe Bro Morgannwg University Health Board, Her Majesty's Prison and Youth Offending Institute Parc (HMP and YOI Parc) under the leadership of G4S, and National Offender Management Service (NOMS) to work together, to ensure people in the secure estate, within the County Borough of Bridgend, have access to appropriate social care support.
- 4.13 The MOU states that all agencies will work together to make long-term improvements to information sharing arrangements in order to ensure and deliver high quality, well co-ordinated social care interventions and support. Amongst other matters it will incorporate agreed principles and protocols for assessing need; ensuring continuity of care; safeguarding; people leaving prison; care leavers; relevant standards and inspection and procedures in the event of any dispute.

### **The Information Sharing Protocol (ISP)**

- 4.14 The regular sharing of information between the different organisations will be required to enable effective care and support to be delivered. To facilitate this, a draft ISP has been developed across organisations and supports information sharing by partners involved the care and support of people in the secure estate, as well as the groups of service users it impacts upon. The draft document details the specific purposes for sharing information, and the personal information being shared; as well as the required operational procedures, consent processes, and legal justification. All partners have given consideration to its contents when drawing up the document.
- 4.15 The draft ISP covers the exchange of information between Bridgend County Borough Council, as part of its Social Services function, G4S at HMP/YOI Parc,

Community Rehabilitation Company, Abertawe Bro Morgannwg University Health Board, and the National Offender Management Service.

- 4.16 The key principle which will be followed by Prison Social Care Team practitioners is that they will share information provided to them with permission based on the express consent of the prisoner, or without this in exceptional circumstances, where there are serious risk issues to the individual or others, or risk of a serious crime being committed. A prison-specific information sharing protocol will be developed and signed for HMP & YOI Parc.
- 4.17 Information will be shared in accordance with the Data Protection Act 1998, the Human Rights Act 1998, the Crime and Disorder Act 1998, common law and in line with the Caldicott Principles. The ISP is supplementary to the Wales Accord on the Sharing of Personal Information (WASPI), and has been agreed in principle between the participating partner organisations.

#### **Agreement with G4S Medical Services Limited**

- 4.18 In relation to the delivery of care and support within HMP Prison Parc, there is a requirement for any provider to deliver a reliable, sustainable and continuous service at all times in line with the individual needs of the person. The provider must be able to respond to all calls and meet all needs within the care plan and in line with the care plan/service delivery plan. G4S Medical Services currently provide such care and support within the prison. It would be extremely difficult for any outside agency to provide such a service, for the following reasons:
- 4.19 Due to the nature of the prison being an environment of a locked secure premises, outside agencies would need to go through strict clearance processes in order to visit individuals requiring social care support. The prison has advised that this would take approximately eight weeks to complete for each carer employed to deliver care and support within the prison.
- 4.20 As social and personal care will need to be provided twenty four hours a day, seven days a week, more than one worker would be required to deliver a service and therefore a number of carers would need to go through clearance processes in order to work from the prison. The time taken to clear outside workers would present a risk in terms of continuity planning if a carer left the organisation or had unplanned absence as a new worker would need to go through the clearance process. Personal and social care work has a high turnover of staff and any agency would not have the flexibility to use another worker at short notice as any new workers would need to go through the eight week clearance process. This would present a risk to individuals within the prison if there were not enough carers with clearance.
- 4.21 There is a requirement for health care assistants to delivery personal care and support to individuals in a flexible and timely manner, in line with their assessed needs. Some tasks, such as medication management or toileting are extremely time sensitive.
- 4.22 In addition to the above security approval, ordinary visits from members of the public and any external agency workers could take approximately one hour as they include fingerprinting, ID and physical checks. This process would significantly

impair the ability of a provider to deliver a timely and flexible response to individuals within the prison, and could present significant risks to those requiring time sensitive calls. It would also present a significant risk to an outside agency of not being able to meet its regulatory requirements in regards to 'missed calls' as there would be a number of outside influences that could prevent an agency from attending to a service user on time. Missed calls have to be notified to CSSIW and can impact on a providers registration if there is excessive missed calls.

4.23 In addition, certain situations within the environment require the prison to 'lock down'. When this occurs visitors are not able to enter or leave the prison, which would further increase the risk that the provider would miss a call and be unable to deliver planned care in line with the service delivery plan. It would also present a risk of missed calls to any other individuals that that carer would be scheduled to support outside the prison if they were unable to leave.

4.24 In recognition of the above difficulties, Cabinet authority is sought to waive the requirement to obtain competitive tenders under Contract Procedure Rule 3.2.3, on the basis that:

*"The works/goods/services can be provided only by a particular Tenderer for reasons that are technical, artistic, or connected with the protection of exclusive rights"*

4.25 In this case, for the reasons set out above, it is thought that G4S Medical Services Limited is technically the only potential provider of the care and support services. Although the exact value of the pilot scheme is not currently known, it is likely to be above £50,000 and on that basis it would usually fall within the requirement of Rule 7.2.3 ie

*"From £25,000 to £75,000 all requirements to be openly advertised on the National Procurement Website and the Council's website (min)".*

4.26 Subject to Cabinet's approval, the Council intends to enter into an agreement with G4S for a short term, basis for the provision of appropriate care and support. Any such agreement will be subject to the final terms being approved by the Corporate Director – Social Services and Wellbeing, in consultation with the Director of Operations and Partnerships and the Section 151 Officer.

4.27 As statutory responsibility for the care and support needs of all adults and children in the secure estate transferred to local authorities from the 6<sup>th</sup> April 2016, it has been necessary for certain services to have been provided from this date. Retrospective authority is therefore sought to formalise this arrangement in an agreement which will have a commencement date of the 6<sup>th</sup> April 2016 and will expire on the 31<sup>st</sup> December 2016. The value of the agreement has not been finally determined, but it is likely to be in the region of £50,000 and is anticipated to relate to the services of two Health Care Assistants, though discussions are continuing as to the most cost-effective way in which the service can be delivered. The outcome of the pilot will be reported back to Cabinet and if successful, approval to enter into an appropriate longer term agreement will be sought at that time.



## **5.0 Effect upon Policy Framework and Procedure Rules**

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

## **6.0 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.

## **7.0 Financial Implications**

7.1 The funding for social care for prisoners in Wales is coming from within the additional £3m allocated to Welsh Local Authorities for the implementation of the Social Services and Wellbeing (Wales) Act. In March Welsh Government confirmed the provision of the grant funding of up to £236,774 for Bridgend, to support provision of care and support to those in the secure estate for 2016/17. This funding is for one year only; thereafter the funding available will reduce to £217,448 on an ongoing basis. The final grant award letter with the full terms and conditions of the grant from Welsh Government were received on the 20<sup>th</sup> May 2016.

7.2 This is a new responsibility for the Local Authority and in order to understand the demand for the services at HMP Parc, the intention is to establish a pilot team and evaluate the actual demand and cost of the service in the first year. The expenditure committed to date is as follows: the appointment of two senior social work practitioners and a senior occupational therapist, and a part time administrative assistant, the full year cost of which equates to £152,913; a sum has been set aside for set up and equipment costs, and other non-staff costs equating to approximately £34,810. The remainder of the budget has been aligned to direct care and support costs and an initial agreement to enhance the existing health care support team by one full time equivalent, has been agreed in principle, and subject to approval of the MOU explained in this document.

7.3 The expenditure and commitment will be fully evaluated over the period of the pilot; however the resource from Welsh Government provides enough capacity to purchase a block of care from G4S equivalent to two health care support workers. Contracting and Commissioning work is in progress to agree to what this level of support equates.

7.4 In addition the issue of the new responsibilities in relation to the secure estate have been raised at the Western Bay Regional Collaborative, in order that they can be considered in future resource allocations, regionally.

## **8.0 Recommendation**

8.1 It is recommended that Cabinet:

8.1.1 Note the information contained in this report; and the additional responsibilities for the Local Authority as a result of the implementation of the Social Services and Wellbeing Act (Wales) 2014.

- 8.1.2 Approve a waiver under Rule 3.2.3 from the requirement to seek competitive tenders for the provision of care and support within HMP Parc on the basis that there is technically only one organisation which can deliver this service
- 8.1.3 Delegate authority to the Director of Social Services and Wellbeing in consultation with the Corporate Director for Operational and Partnership Services and the Section 151 Officer to:
- Finalise and approve the terms of a Memorandum of Understanding (MOU) with HMP Parc Prison and other strategic partners to set out agreed procedures for the provision of care and support for prisoners in the Secure Estate and execute the MOU on behalf of the Council;
  - Finalise and approve the terms of an interagency information sharing protocol (ISP) between Bridgend Council and relevant agencies to support the regular sharing of personal information between those agencies to enable them to deliver effective care and support and execute the ISP on behalf of the Council;
  - Subject to Cabinet's approval of a waiver under Rule 3.2.3, of the Contract Procedure Rules, finalise and approve the terms of a short term 'pilot scheme' agreement on the terms set out in paragraph [4.27] above with G4S Medical Services Ltd and arrange the execution of the final agreement on behalf of the Council.
- 8.1.4 Note that the outcome of the pilot agreement with G4S will be reported back to Cabinet in due course and authority to enter into a longer term agreement, if appropriate, will be sought at that time.

**Susan Cooper**

Corporate Director – Social Services and Wellbeing  
July 2016

**Background documents**

- Draft Memorandum of Understanding
- Draft Information Sharing Protocol

## Part II SSWB ACT Secure Estate Implementation Plan

Priority	Action Required	Lead	Progress To Date	Completion Date	Complete/In Progress/ On Target
<b>Memorandum of understanding</b>	Draft document to be re-circulated to group for comment.	AB LS JD CD	Comments collated and subject to approval will be in place by July 2016	July 2016	On target
<b>Information Sharing Protocol</b>	Draft document to be re-circulated to group for comment.  Specific ISP for developed and signed for HMP & YOI Parc	AB LS JD CD	Comments collated and will be in place by June 2016  To realign ISP to meet needs of YOI	23 <sup>th</sup> July 2016	On target
<b>Governance</b>	Terms of Reference i.e. for operational group to be updated and reporting arrangements clarified.	LS JD CD	Comments collated and will be in place by 31 <sup>st</sup> March 2016.	31 <sup>st</sup> March 2016	Completed
<b>ICT</b>	Agree ICT systems that will be used and have documentation will be recorded and shared.  Must be compliant with PSI 27/2013.	AB TB Prison ICT Representative MM JH	Meeting to be arranged with BCBC and G4S	23 <sup>rd</sup> May 2016	Completed
<b>Referral Process. (including self-referral)</b>	Documentation for referral; and assessment to be agreed.	AB LS NA CD	Interim arrangements agreed long-term arrangements in progress	April 2016	Completed
<b>Training</b>	Training plan to be agreed for BCBC Staff and Prison Staff and "Buddies". Level a and level b training collaboration with CCfW /IPC induction programme for staff	CH LC JD	CCfW & IPC wish to meet with the partnership around level a and level b training interagency induction programme	May 2016	Completed with ongoing training needs identified.

Priority	Action Required	Lead	Progress To Date	Completion Date	Complete/In Progress/ On Target
<b>Information Advice and Assistance.</b>	Agree implementation of ACTs requirements and HMP Parc.	AB CD LS JD	Agreed that information be provided on entry and when to be released and Buddy system will be utilised.	31 <sup>st</sup> March 2017	Completed
<b>Equipment Store at HMP Parc</b>	Equipment store to be provided at HMP Parc	NA	NA to facilitate this with Vision Products.	31 <sup>st</sup> March 2016.	Completed
<b>Staff Resource</b>	Recruit staff team to be based at HMP Parc . Agree achievements for commissioning HCW (G4S) to provide personal care.	AB JD CD	Two social workers appointed OT recruitment completed  Induction programme being developed.	May 2016  June /July 2016	Completed  In progress
<b>Office Provision Admin Support</b>	Agree equipment, desire space and admin support arrangements.	TB LS CE	Agree that this will be provided by G4S.	31 <sup>st</sup> March 2016.	Completed
<b>Safeguarding Adverts</b>	Local protocol to be agreed between BCBC and G4S (HMP Parc).	AB CD	Agreed that complaints will be progressed via established process in BCBC and G4S.	30 <sup>th</sup> April 2016	Completed
<b>Inspection And Regulation.</b>	Confirm registration arrangements for HCW (G4S) to provide personal care.	CD AB JD	Agreement in place for the commissioning of health care support within HMP Parc	31 <sup>st</sup> March 2016	Completed
<b>Transfer of Prisoners</b>	Process to be agreed.	LS WD	In progress	April 2016	Completed
<b>Discharge and Resettlement</b>	Agree process and pathway with partners	JG LS WD JD CD	In progress	September 2016	In progress
<b>Transition of young people</b>	Agree process and pathways	EWJ	In start-up	September 2016	In start-up

## Appendix B

Ordinary residency of child	Status of child	Detention location	LA responsibility
A migrant child or a child with no ordinary residency status		Detained in Wales	It is the responsibility of the Welsh local authority where the child is detained, to meet their care and support needs
Child is an ordinary resident of a Welsh local authority	Regardless of whether the child had any previous involvement with social services	Detained in Wales	It is the responsibility of the child's Welsh home local authority, to meet their care and support needs
Child is an ordinary resident of a Welsh local authority	Child was S20 or S31 under the Children Act 1989 prior to being detained	Detained in England	It is the responsibility of the child's Welsh home local authority, to meet their care and support needs
Child is an ordinary resident of an English local authority	Child was S20 or S31 under the Children Act 1989 prior to being detained	Detained in Wales	It is the responsibility of the English home local authority to meet the care and support needs of the child.
Child is an ordinary resident of an English local authority	The child was either not known to social services or had been assessed as being a child in need under s17 of the Children Act 1989, prior to being detained.	Detained in Wales	The Welsh local authority where the child is detained is responsible for the care and support needs of that child.
Child is an ordinary resident of a Welsh local authority	The child was either not known to social services or had been assessed as being a child in need under s17 of the Children Act 1989, prior to being detained.	Detained in England	There is a dual responsibility on the Welsh home local authority of the child (under the Social Services and Well Being Act 2014) and the English local authority where the child is detained (under the Children Act 1989). The two LAs will need to agree between them who takes primary responsibility on a case by case basis.

## APPENDIX C

Description of child	Responsibility and relevant legislation
A child who is in the care of a local authority in Wales, detained in Wales	The local authority in Wales which cares for the child. The Care Planning, Placement and Case Review (Wales) Regulations 2015
A child who is in the care of a local authority in Wales, detained in England	The local authority in Wales which cares for the child. The Care Planning, Placement and Case Review (Wales) Regulations 2015
A child who is in the care of a local authority in	The local authority in England which cares for the

Description of child	Responsibility and relevant legislation
England, detained in Wales.	child. The Care Planning, Placement and Case Review (England) Regulations 2010
A child who was looked after by a local authority in Wales under section 76 of the Social Services and Well-being (Wales) Act, immediately before being convicted and detained, and who is detained in Wales	The local authority in Wales which was looking after the child. The Visits to Children in Detention (Wales) Regulations 2015
A child who was looked after by a local authority in Wales under section 76 of the Social Services and Well-being (Wales) Act, immediately before being convicted and detained, and who is detained in England	The local authority in Wales which was looking after the child. The Visits to Children in Detention (Wales) Regulations 2015
A child who was looked after by a local authority in England under section 20 of the Children Act 1989 immediately before being convicted and detained, and who is detained in Wales.	The local authority in England which was looking after the child. The Looked After Children in Detention (England) Regulations 2010
A child who is ordinarily resident in Wales and who was treated as a looked after child in accordance with section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and who is detained in Wales.	The local authority in Wales which was looking after the child. The Visits to Children in Detention (Wales) Regulations 2015
A child who is ordinarily resident in Wales and who was treated as a looked after child in accordance with section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and who is detained in England.	The local authority in Wales which was looking after the child. The Visits to Children in Detention (Wales) Regulations 2015
A child who is ordinarily resident in England and who was treated as a looked after child in accordance with section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and who is detained in Wales.	The local authority in England which was looking after the child. The Looked After Children in Detention (England) Regulations 2010
A 'category 2' young person – i.e. a 16 or 17 care leaver (see page 81 for full definition), detained in Wales or in England.	The local authority in Wales which last looked after the young person. The Care Leavers (Wales) Regulations 2015
A 'relevant child' for the purposes of section 23A of the Children Act 1989 [applies to England only], who is detained in Wales.	The local authority in England which last looked after the child. The Care Leavers (England) Regulations 2010
A child who is not ordinarily resident in Wales, who does not fit any of the above descriptions, but who is detained in Wales.	The local authority in Wales where the youth detention accommodation, prison or approved premises is situated.