**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**TRAINING MODULE**

Assessing and Meeting the Needs of Adults in the Secure Estate

**March 2017**

# Contents

[1 Contents 2](#_Toc446429714)

[2 Introduction 3](#_Toc446429715)

[2.1 Who is this Module for? 3](#_Toc446429716)

[2.2 Aims and Learning Outcomes 4](#_Toc446429717)

[2.3 Key Words 4](#_Toc446429718)

[3 Training Module 5](#_Toc446429719)

[3.1 Introduction 5](#_Toc446429720)

[3.8 Adults in the Secure Estate 20](#_Toc446429740)

[3.15 Care and Support Pathway: Pre-sentence and on Reception 32](#_Toc446429757)

[3.18 Care and Support Pathway: Assessing and Meeting Needs 38](#_Toc446429765)

[3.25 Care and Support Pathway: Pre- and Post-release 57](#_Toc446429782)

[3.28 Summary 62](#_Toc446429789)

[4 Links to Key Resources 67](#_Toc446429796)

[4.1 Links to Regulations and Codes of Practice or Statutory Guidance 67](#_Toc446429797)

[4.2 Useful Links to Other Materials 68](#_Toc446429798)

# Introduction

The Social Services and Well-being (Wales) Act 2014 introduced wide-ranging reforms that have major implications for practice. A range of learning materials have been developed to support the Act’s implementation. All the learning materials are available to download from the [Information and Learning Hub](https://socialcare.wales/hub/resources) as outlined in the hub prospectus.

This training module forms part of a suite of learning materials that has been developed by the [Institute of Public Care](http://ipc.brookes.ac.uk/) at Oxford Brookes University. This suite summarises and explains the regulations and codes of practice or statutory guidance that underpin the Act. It is designed to help those whose roles are most affected understand and implement it. The suite of learning materials contains training modules, PowerPoint presentations and other learning material for each of the following areas:

1. Introduction and General Functions – Parts 1 and 2 of the Act
2. Assessing and Meeting the Needs of Individuals - Parts 3 and 4 of the Act
3. Looked After and Accommodated Children – Part 6 of the Act
4. Safeguarding - Part 7 of the Act
5. Assessing and Meeting the Needs of Adults in the Secure Estate – Part 11, Chapter 1, of the Act

This training module has been written for learning facilitators and includes exercises, suggested group discussions, points of reflection and case studies that facilitators can use either in their entirety or to pick and choose from as they see fit when designing a learning programme based on the [PowerPoint presentation](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs). As well as this training module and linked PowerPoint presentation, there is also a summary and a shorter overview presentation on the [People in the secure estate](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs) page.

## Who is this Module for?

This training module is about how Part 11, Chapter 1, of the Act applies to adults in the secure estate. It is intended to be used to develop learning programmes for:

* Practitioners employed in criminal justice agencies and secure establishments who contribute to the local authority’s assessment activities
* Practitioners employed in local authorities who need to understand the implications of the Act for the secure estate
* Practitioners who are involved with the provision of information, advice and assistance to adults in the secure estate
* Managers and supervisors of all the above people
* Key partner organisations to the above roles and functions

## Aims and Learning Outcomes

The aim of this training module is to explore in detail how Part 11, Chapter 1, of the Act and the accompanying Code of Practice applies to adults in the secure estate. The learning outcomes apply both to people working within the secure estate and the local authority, so that practitioners can understand each other’s settings and the main challenges and opportunities.

By the end of the learning programme participants will:

* Understand the aims and ethos of the Act
* Be aware of the duties and powers under the Act, for both local authorities, criminal justice agencies and secure establishments, relating to adults in custody
* Have explored the care and support pathway for adults in the secure estate
* Understand the implications of assessing and meeting the care and support needs of adults in the secure estate both for the local authority and the establishments concerned
* Understand the need for effective working across agencies, including a consideration of values, culture and communication
* Reflect on the implications of the Act

## Key Words

The suite of learning materials contains a [**glossary**](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs) of key words referred to in the Act, regulations and codes of practice or statutory guidance. The following key words, definitions of which can be found in the glossary, are relevant to this module: abuse, adult, advocacy, advice, assets, assistance, capacity, care and support, care leaver, co-production, eligible needs, information, person-centred approach, personal outcomes, prevention, safeguarding, strengths-based approach, what matters conversations, well-being.

# Training Module

This training module can be used to assemble a pack of relevant learning materials for each participant to take away. There is a linked PowerPoint presentation, which can be printed as a handout with space for learners to make notes. The training module matches the PowerPoint presentation and each slide in the presentation is reproduced below. The training module also includes **key learning points**, a range of **activities** that can be used to support learning and **facilitators’ hints and tips**, which signpost to existing good practice / resources or suggest ways of delivering the materials. For more information, please look at the [Facilitator’s Guide](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs).

## Slide 1 - Aims and learning outcomes

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| Aims and learning outcomes |
| * This training explores Part 11, Chapter 1, of the Act and how it applies to adults in the secure estate * By the end of the training participants will: * Understand the aims and ethos of the Act * Be aware of the duties and powers under the Act * Have explored the care and support pathway for adults in the secure estate * Understand the implications of assessing and meeting the care and support needs of adults in the secure estate * Understand the need for effective working across agencies, including a consideration of values, culture and communication * Reflect on the implications of the Act |

### Facilitator Notes

1. This presentation is about Part 11, Chapter 1, of the Act. It is intended for:

Practitioners employed in criminal justice agencies and secure establishments who contribute to the local authority’s assessment activities

Practitioners employed in local authorities who need to understand the implications of the Act for the secure estate

Practitioners who are involved with the provision of information, advice and assistance to adults in the secure estate

Managers and supervisors of all the above people

Key partner organisations to the above roles and functions

1. The aim of the presentation is to explore how Part 11, Chapter 1, of the Act and the accompanying Code of Practice applies to adults in the secure estate. By the end of the learning programme, you will:

Understand the aims and ethos of the Act

Be aware of the duties and powers under the Act, for both local authorities, criminal justice agencies and secure establishments, relating to adults in custody

Have explored the care and support pathway for adults in the secure estate

Understand the implications of assessing and meeting the care and support needs of adults in the secure estate both for the local authority and the establishments concerned

Understand the need for effective working across agencies, including a consideration of values, culture and communication

Reflect on the implications of the Act

### Activity – Discussion

1. Introductions (who, role and background) and what is it that drew you into the job you do?
2. What is the purpose of this training session for you? *(Write this down and keep it until the end to review.)*
3. What do you hope will be different as a result of this training (for yourself and / or your organisation)?

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| Facilitators’ hints and tips  It is helpful at the start of a session to identify who is in the room – their professional background, role and organisation. The questions above can help you start to understand learners’ motivation. Remember that you may well have people from  both community and custodial settings and they will not always be clear about each other’s cultures, processes and certainly vocabularies. It is worth recognising this at the beginning and make it clear that people from different settings will need to explain their setting and be prepared for questions and challenges. This is likely to be an important ground rule. |

## Slide 2 -Contents

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| Contents |
| * Introduction and overview of the Act * Adults in the secure estate * Care and support pathway: pre-sentence and on reception * Care and support pathway: assessing and meeting needs in the secure estate * Care and support pathway: pre- and post-release * Summary |

### 3.2.1 Facilitator Notes

1. This presentation starts with an overview of the Act, and its links with other relevant legislation, although it is assumed that participants have already undertaken general awareness training about the Act. The Act is underpinned by several overarching duties. We will look at these duties and their relationship to rules and guidance applying to secure settings.
2. We will think about the likely care and support needs of adults in the secure estate and examine the duties in regard to assessing and meeting the care and support needs of adults in the secure estate.
3. We will look at the national pathway for adults and how needs may be met in secure settings.
4. We will look at partnership working as it applies to the secure estate.
5. We will finish with a summary and action planning.

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| Facilitators’ hints and tips  This is an opportunity for the facilitator to outline to participants the timings and key activities of the learning programme. The training module notes and slides are split into the different sections above so that you can pick the elements that you want to use. |

## Slide 3 - Introduction

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| Introduction |
| * The Social Services and  Well-being (Wales) Act came into effect on 6 April 2016 and builds on the policy set out in Sustainable Social Services for Wales: A Framework for Action * People * Well-being * Prevention * Collaboration * It repeals replaces many previous laws * It covers adults, children and carers |

### Facilitator Notes

1. The Act came into effect on 6 April 2016 and builds on the White Paper ‘Sustainable Social Services for Wales: A Framework for Action’ to modernise the law for care and support in Wales.
2. It repeals many previous laws and guidance relating to care and support (such as the Personal Care at Home Act 2010) and replaces them with this Act. Guidance on repeals and transitions in relation to the Act can be found on the learning hub and you can download a table that sets out the repeals and amendments to pre-existing legislation as a result of the Act.
3. It brought in new duties for local authorities, local health boards and other public bodies, and covers adults, children and carers. Note that the term **child** is used throughout the Act to mean someone who is **under the age of 18**.
4. Some of the changes in the Act are not completely new as they were previously best practice, but were not a statutory requirement. This means the impact of the Act will be slightly different at a local level depending on how best practice had previously been implemented.
5. Shown in the box are the key principles that underpin the design of the Act. The Act aims to change the way **people’s** care and support needs are met – putting an individual at the centre of their care and support, and giving them a voice in, and choice and control over, reaching the personal outcome goals that matter to them. We will talk more about overarching duties to give people a voice in slide 6.
6. Central to the Act is the concept of **well-being** – helping people to maximise their own well-being. We will talk more about well-being in slide 5.
7. The Act attempts to rebalance the focus of care and support to **prevention and earlier intervention** – increasing preventative services to minimise the escalation of needs to a critical level.
8. Strong partnership working between organisations and co-production with people needing care and support is a key focus of the Act. The Act requires a culture change from the way in which services have often been provided, to an approach based on **collaboration**, and an equal relationship between practitioners   
   and people who need care and support. This may be a challenging idea for practitioners working in the secure estate, where other rules and priorities must be taken account of.
9. These principles will enable people to be at the centre of their care and support and ensure their well-being will be central to any decisions made about their lives. The extent to which people in custody can have a central role in decision making about care and support will depend on individual circumstances, but all involved in implementing the Act in the secure estate need to work together to maximise people’s involvement.

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| **Key learning point**  One of the key aims of the Act is for individuals to be at the centre of decisions and to be supported to have choice and control over their lives. |

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| **Facilitators’ hints and tips**  This introductory section gives a brief overview of the Act as it is assumed that participants have already undertaken general awareness training about the Act. It will be worth using slides 3 and 4 to check with learners their general awareness of the Act so that you can expand on this introduction if necessary. There is a short video (3 minutes 12 seconds) from Mark Drakeford, Minister for Health and Social Services, available to download or show from the Information and Learning Hub [resources](https://socialcare.wales/hub/hub-resource-sub-categories/overview-and-awareness) section in which he speaks about the aims and implications of the Act. There is also a set of resources about the principles of the Act – [What does the Act mean for me?](https://socialcare.wales/hub/hub-resource-sub-categories/principles-of-the-act) – that are aimed at frontline workers and introduces key information about the Act and the principles that underpin it, as well as how these principles can be applied in practice.  Some staff may not have may not have worked under previous legislation if they have come into practice more recently. It may be worth exploring with participants who have been in practice since before April 2016 what has changed. |

### Activity – Discussion

1. In small groups identify the types of care and support needs which people in custody might have.
2. For each type of need identified above, how are people in custody involved in decisions now? How much choice and control do they have?
3. How will the Act change a person’s ability to have choice and control in the secure estate? How can they be supported to have that choice and control, and who will be responsible for supporting them in the process?

## Slide 4 – Parts of the Act

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| Parts of the Act |
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### Facilitator Notes

1. The Act is made up of 11 parts as represented by this slide. This module concentrates on Chapter 1 of Part 11 (Miscellaneous and General) and how it affects the duty of local authorities to assess (Part 3) and meet (Part 4) the care and support needs of individuals in the secure estate and the responsibilities of criminal justice agencies and secure establishments. However, other parts of the Act also apply to adults within the secure estate as described below.
2. As well as the well-being and other overarching duties described in slide 5,   
   **Part 2** of the Act requires local authorities and local health boards to jointly assess care and support needs, and preventive services, in their area and publish a population assessment. For those areas with a secure establishment within their boundary, the population assessment will need to take account of the care and support needs of people within the secure estate. This will require working with the National Offender Management Service (NOMS), the Youth Justice Boardand the relevant custodial settings and with Public Health Wales to consider the implications of Health Needs Assessments. Local authorities mustprovide or arrange services that prevent or delay the development of people’s needs for care and support, and therefore must consider how they will deliver preventive services to those in custody and to offenders under the responsibility of probation services in the community, taking account of the Wales Reducing Re-offending Strategy. **Part 2** also requires local authorities to consider how information, advice and assistance (IAA) is accessible by individuals within the secure estate.
3. The duty to assess under **Part 3** applies to individuals in the secure estate.
4. The duty to meet needs under **Part 4** (if an individual’s care and support needs are eligible) applies to individuals in the secure estate.
5. Charging for care and support (**Part 5**) for those detained will be the same as   
   for any other citizen. So while the financial circumstances of adults detained may be different to the general population due to where they are, they should still be financially assessed for charging in the same way as everybody else.
6. **Part 6** sets out local authority responsibilities under the Act for looked after children and arrangements for leaving care. Note that the term child is used throughout the Act to mean someone who is under the age of 18. Young people can leave the ‘care of the local authority’ between the ages of 17 and 25 years as appropriate. Care leavers can, therefore, be adults or children depending on their age.
7. Under **Part 7** of the Act both the National Probation Service and the Community Rehabilitation Company for Wales are statutory partners on safeguarding adults and children's boards. Prison governors are not a specified safeguarding board partner and therefore not required to be a member of the board. However,   
   Prison Service Instruction 16 / 2015 Adult Safeguarding in Prisons sets out   
   that safeguarding boards with prisons in their area are encouraged to work collaboratively with prison governors, and governors are encouraged to be proactive in engaging with the safeguarding board in the spirit of co-operation. Prison governors must ensure there are systems in place to protect adult prisoners from abuse and neglect. Safeguarding boards and prison governors must establish mechanisms to clearly set out how their shared duties and responsibilities to safeguard individuals in the secure estate will be exercised in   
   a coherent and lawful manner.
8. Part 8 specifies the social services functions of local authorities and provides grounds for intervention by Welsh Ministers where a local authority is failing in those functions.
9. **Part 9** sets out duties with regards to co-operation and partnership. Within   
   the secure estate there are a number of requirements for the local authority   
   and criminal justice agencies to work together. Local authorities with a secure establishment within their boundaries must establish a **Memorandum of Understanding** (MOU) between themselves, NOMS / Youth Justice Board and the secure estate facility with which they are working. The MOU will document how the care and support arrangements are delivered within the secure estate facility.
10. Under **Part 10**, local authorities mustprovide information to those in custodial settings on how to make a complaint and seek redress about provision of care and support services. Local authorities must be informed by the managers of custodial settings where a prisoner wishes to make a complaint as soon as   
    they are made aware. **Part 10** also provides for advocacy services to be made available for those in the secure estate to enable individuals to engage and participate in their care and support, including the requirement to arrange an independent professional advocate in certain circumstances.

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| **Key learning point**  The principles and parts of the Act apply equally to individuals with care and support needs in the secure estate as to those in the community. |

### Activity – Exercise

1. In small groups, choose two parts of the Act (e.g. assessing needs and safeguarding).
2. What are likely to be the key challenges and issues for both local authority and custodial staff in applying these parts of the Act to those in secure settings?
3. Identify what will help, what will hinder and what is the key difference about the secure setting.

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| Facilitators’ hints and tips  Note that there is now completely separate social services legislation for Wales and England. The main difference between them is that the Social Services and Well-being (Wales) Act 2014 applies to people of any age and carers, whereas the Care Act 2014 for England is mainly confined to adults and there is a separate Children and Families Act 2014.. |

## Slide 5 – The well-being duty

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| The well-being duty |
| Responsibility for well-being must be shared with people who have needs for care and support  A person exercising functions under this Act **must** seek to promote the well-being of people who need care and support and carers who need support. |

### Facilitator Notes

1. [Handout: Well-being](https://socialcare.wales/hub/hub-resource-sub-categories/introduction-and-general-functions).
2. Central to the Act is the well-being duty. People have a responsibility for their own well-being, supported by their families, friends and communities. However, people may also need support to ensure they achieve well-being. Professionals and agencies are there to provide some of this support.
3. Part 2 of the Act requires “*any persons exercising functions under the Act to   
   seek to promote the well-being of people who need care and support.*” This overarching duty applies to organisations and their practitioners when, for instance, carrying out an assessment or providing information and advice. This is an overarching duty that has to be met by everyone exercising functions under the Act.
4. Practitioners must look at what people can contribute in achieving their well-being and empower them to contribute to achieving their own well-being, with the appropriate level of support. This will involve building on people’s resources, including people’s strengths, abilities, and families and communities.
5. In the Act, well-being is defined with eight aspects common to adults and children:

Physical and mental health, and emotional well-being

Protection from abuse and neglect

Education, training and recreation

Domestic, family and personal relationships

Contribution made to society

Securing rights and entitlements

Social and economic well-being

Suitability of living accommodation

1. In relation to an adult, well-being also includes:

Control over day-to-day life

Participation in work

1. While all aspects of well-being in the definition have equal importance, it is likely that some aspects of well-being will be more relevant to one individual than another. Practitioners should therefore adopt a flexible approach that allows for a focus on which aspects of well-being matter most to the individual concerned and co-produce solutions with people.

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| **Key learning point**  A person exercising functions under the Act **must** seek to promote the well-being  of individuals. |

### Activity – Exercise

1. Clearly there are both challenges and opportunities for secure establishments in promoting well-being. The secure estate setting also has the potential to cause new risks and opportunities for an individual’s well-being. Facilitate a whole group discussion – record the responses on a flip chart – what might be some of the challenges and opportunities in promoting the well-being of adults in the secure estate?

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| **Suggested answer**  Some examples might be:   * Protection from abuse and neglect – bullying and responses to it. * Education, training and recreation – good access and motivation to undertake literacy and numeracy, and challenges in access to recreation. * Control over day-to-day life – the challenge in custodial settings will be how to ensure that individuals have as much control as is possible in a secure setting where security and the daily routine are such key elements. * Opportunities for prisoners to help other prisoners. For example the buddy scheme to support prisoners who are physically less able at HMP Usk. * The other key area for consideration is how custodial settings and their staff can ensure that the responsibility to promote well-being is a shared one with the individual. Helping prisoners cope with smoking cessation in smoke free prisons is a good recent example. |

1. Split the whole group into small groups and give them two of the eight aspects   
   of well-being e.g. contribution made to society and participation in work. Ask the groups to identify how those aspects of well-being could be promoted within the secure setting. Each of the groups then feeds back to the whole group for a general discussion about the main issues and connections between aspects.

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| Facilitators’ hints and tips  The Welsh Government has published a [well-being statement](http://gov.wales/docs/dhss/publications/150722wellbeingen.pdf) that describes aspects of well-being that relate to all areas of an individual’s life. It describes the national well-being outcomes and sets out what aspects of well-being will be measured.  You may wish to give participants this national well-being statement and ask them to read through it before completing the case study below. Participants can use this document to help their thinking on how well-being can be translated at an individual level and how these can link to the national well-being outcomes. This will help focus participants on the interrelatedness of outcomes from an individual to national level. However, practitioners need to be clear that individuals must be free to decide their own personal outcomes.  There is a Welsh Government [technical briefing](http://gov.wales/docs/phhs/publications/151125pt2wellbeingen.pdf) about the duty to promote the wellbeing of people who need care and support and carers who need support and other overarching duties under Part 2: Sections 5,6,7,8 of the Act. |

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| **Case study**  Alun is 45 years old and he is currently serving a sentence for manslaughter. He has a range of interests which include rugby, cricket and rock music, and he has always enjoyed the opportunity to engage in any form of physical exercise. Alun is very close to his family and has always socialised well with other prisoners.  Alun has Multiple Sclerosis (MS) the symptoms of which are getting progressively worse. This includes slurred speech, reduced mobility and his vision and hearing are becoming impaired. As his symptoms have progressed, Alun has started to isolate himself from other prisoners, shown less interest in the things he likes and has even shown a lack of interest in maintaining contact with his family. Alun is now struggling to get himself washed and dressed to the point that he is sometimes refusing to do either.  **Question**   1. Identify below what areas of well-being and which outcomes you think Alun would want to meet?   **Suggested answer**   |  |  | | --- | --- | | **National well-being outcomes** | **What matters to me?** | | Well-being |  | | Physical and mental health, and emotional well-being | To continue being involved in sports  To be able to stay clean | | Protection from abuse and neglect |  | | Education, training and recreation |  | | Domestic, family and personal relationships | To maintain contact with my family  To spend more time with other prisoners | | Contribution made to society |  | | Securing rights and entitlements |  | | Social and economic well-being |  | | Suitability of living condition |  |   **Question**   1. How could these outcomes be promoted while Alun is in the secure estate?   **Suggested answer**   * If Alun is unable to participate directly in sport he could become involved in working with the prison staff to organise sporting activities * (Physio) support within the prison gym * Explore other avenues for Alun to maintain contact with his family e.g. letters, emails or phone calls, if not visits * Explore why Alun is struggling to get washed and dressed and whether further assessment is required |

## Slide 6 - Other overarching duties

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| Other overarching duties |
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### Facilitator Notes

1. As well as the well-being duty there are other overarching duties that underpin the Act, and organisations must take steps to ensure that all activities are delivered in a way which complies with these duties. These duties apply to organisations and their practitioners when working with a person who may have needs for care and support, even if it has not been established that the individual has such needs or if those needs would be eligible.
2. For adults these overarching duties are to:

Ascertain and have regard to the individual’s views, wishes and feelings, in so far as is reasonable practicable

Have regard to the importance of promoting and respecting the dignity of the individual

Have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect them to the extent that it is appropriate in the circumstances, particularly where the individual’s communication is limited for any reason

Have regard to the characteristics, culture and beliefs of an individual, including language

Begin with the presumption that the adult is best placed to judge their own well-being

Have regard to the importance of promoting the adult’s independence where possible

1. All these duties equally apply to individuals with care and support needs in the secure estate as to those in the community.
2. In the context of these overarching duties a requirement to ‘have regard’ to a particular matter is similar to a requirement to ‘consider’ or ‘take into account’ that matter. However, in working with adults in custody it has to be recognised that many have behaviour patterns which cause harm to themselves and others. Indeed most prison-based offending behaviour and substance misuse work are based on a cognitive skills approach to behaviour change. While all programmes stress the responsibility of the individual to take responsibility for their behaviour and are challenging of attitudes which place blame elsewhere, not all prisoners will have taken part. These issues need to be borne in mind in respect of both the overarching duties for adults.

### Activity – Questions

1. Thinking about working in the secure setting, what do these overarching duties mean in relation to your practice?

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| **Suggested answer**  Some key things to take into account in working within the secure estate are as follows:   * Ensure that sufficient time is available and that interview conditions will offer adequate confidentiality * It will be particularly important to challenge assumptions by those in custody that they are powerless or dependent – underline the areas where they can make choices * Be careful about appropriate use of names and titles – this is one of the areas people can be sensitive about in prison settings * The person must understand what has been said already – for example in the Pre-sentence Report – and why this information is being used * Custodial populations have high proportions of people with limited literacy and language skills. There are also high levels of mental disorder. Bear this in mind when working with individuals |

1. Do these overarching duties have any implications for your organisation, in respect of culture, working practices and systems or arrangements?

## Slide 7 - Human rights in custodial settings

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| Human rights in custodial settings |
| Image result for United Nations Convention on the Rights of Disabled People waleshttp://www.lakerlegal.co.uk/wp-content/uploads/iStock_000023566425XSmall1.jpghttp://adam1cor.files.wordpress.com/2010/01/article-0-02bb5728000005dc-224_468x286.jpgUN Principles for Older Person poster |

### Facilitator Notes

1. [Handout: Human Rights and Prison Rules](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs).
2. The overarching duties under the Act also include human rights. A key part of practitioners’ roles under the Act is to empower people through helping them to assert these rights. This is a key change. While some local authorities and organisations were voluntarily respecting and delivering human rights in their work, a person exercising functions under the Act is required to demonstrate ‘due regard’ to the EU and UN conventions and principles.
3. Having ‘due regard’ means that you must think about these principles throughout the decision making process. It is not enough to simply use them to justify a decision after it has been taken. You must have ‘due regard’ in such a way that it influences the final decision in a meaningful way as it is not a question of ‘ticking boxes’. It is good practice to keep an accurate record to show how you have considered your duty.
4. Custodial settings are required to comply with the Equality Duty, Human Rights Act and within the principles of the **European Convention of Human Rights**. So people detained must not be treated less favourably because of race, gender, disability, sexual orientation, religion of belief. Disabled prisoners, for instance, should have equal access to facilities including jobs, education, library services, exercise and accommodation.
5. In October 2000, the **Human Rights Act** came into effect in the UK. As public authorities, local authorities and custodial settings have duties to promote equality and to comply with the Human Rights Act. There are 16 rights in the Human Rights Act – all taken from the European Convention on Human Rights.
6. Human rights can be **absolute** rights, **limited** rights or **qualified** rights. Absolute rights mean rights that the state can never infringe, and include the right to protection from torture and inhuman and degrading treatment. **Limited** rights are rights that may be limited under explicit circumstances, such as the right to liberty. A person has the right not to be deprived of their liberty – ‘arrested or detained’ – except where they are suspected or convicted of committing a crime and provided there is a proper legal basis in UK law.
7. **Qualified** rights are rights which require a balance between the rights of the individual, and the rights of the broader community or the state. Qualified rights may be limited where that is necessary to achieve an important objective such as protecting public health or safety, preventing crime and protecting the rights of others. They include the right to respect for private and family life; the right to manifest one’s religion or belief; freedom of expression; freedom of assembly   
   and association; and the right to peaceful enjoyment of property.
8. A person exercising functions under this Act **must have due regard to the United Nations Principles for Older Persons.** More information can be found at the [Older People’s Commissioner for Wales](http://www.olderpeoplewales.com/en/about/un-principles.aspx).
9. A person exercising functions under this Act in relation to disabled adults or children **must have due regard to the United Nations Convention on the Rights of Disabled People** (UNCRDP). More information can be found in the Equality and Human Rights Commission’s [Guide to the UN disability convention](http://www.equalityhumanrights.com/your-rights/human-rights/human-rights-guidance/guide-un-disability-convention).
10. Sitting in the middle of all this are Prison Rules. They have to comply with key human rights and equality law. There is much case law created from challenges by prisoners about different aspects of interpretation in secure settings.

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| **Key learning point**  You need to know the rights that that individuals in the secure estate have and how in practice they fit within the Prison Rules. |

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| Facilitators’ hints and tips  As well as Prison Rules there are two other issues impact on human rights in secure settings: **assisted visits** and **smoking** cessation.  Under the Assisted Prison Visits Scheme, close relatives of prisoners may be eligible to have the cost of their visits paid for by the government (see PSO 4400). All prisoners, both unconvicted and convicted, are eligible to receive assisted visits as soon as they are taken into custody as long as the relative(s) qualify for the scheme, which is based on income. This issue is likely to be a significant one in implementing the Act. The rules in Assisted Visits apply to regular entitled visits, and staff may already be aware of it. Where local authorities are asked for help in respect of  such visits, it would normally be in relation to those who do not meet the income requirements or need additional help, and clearly discretion would need to be used. For other visits, such as those relating to family therapy or planned treatment, such visits have to be authorised by the custodial establishment, which has discretion: again decisions should take the Prison Rules into account. Funding could then be  a matter for the local authority.  No Smoking in Prisons. This change, long campaigned for by those who felt that  staff and non-smoking prisoners were being badly affected by passive smoking came into effect in Wales in January 2016. In introducing the ban, Ministers spoke of the commitment to making e-cigarettes and help with cessation available. While the change will clearly benefit prisoner’s well-being the impact on stress and anxiety  has been raised as a concern by many. |

### Activity – Exercise

Prison Rule 4 is important in responding to the care and support needs of individuals: it promotes the interests of family and rehabilitation contacts.

1. Divide participants into at least two small groups. Both groups, in the role of a prisoner, identify a list of such contacts, which it would be important for you to maintain. Write them on a flip chart.
2. Swap charts, and now in the role of prison governor, identify those which should be met under Prison Rule 4. Identify and write down how you will go about enabling those contacts to be maintained, also record your reasons for not regarding any as suitable.
3. Swap charts again and this means you will have back your original points as a prisoner with official responses – discuss what you think of the responses.
4. As a whole group, compare notes and identify some key themes and effective responses.

## Slide 8

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| Adults in the secure estate |
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### Facilitator Notes

1. End of introductory section and overarching duties. We will now explore the responsibilities of agencies in the secure estate before looking at the national care and support pathway for adults in the secure estate in more detail.

## Slide 9 - Adults in the secure estate

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| Adults in the secure estate |
| * Mental health * Very high levels of alcohol misuse * Increasing numbers of older people * Physical disabilities * Learning difficulties * Women prisoners – release and resettlement challenges |

### Facilitator Notes

1. Before moving on to duties in the secure estate, we will firstly consider the likely care and support needs of adults in the secure estate. There has been a good deal of research into the incidence of needs among prisoners. A summary is given below by type of need. This information is also relevant to the responsibility – under Part 2 of the Act – of the local authority and local health board for producing a population needs assessment.
2. Public Health Wales (2013) [Prison Health Needs Assessment](http://www.wales.nhs.uk/sitesplus/888/news/27951) estimates that only 8% of the adult prison population held in Wales, at any given time, do not suffer from any type of diagnosable mental health problem. The majority have one or more presenting difficulty with a range of severity.
3. Nearly two-thirds (63%) of sentenced male prisoners admit to hazardous drinking prior to imprisonment which carries the risk of physical or mental harm[[1]](#footnote-1). Of these, about half have a severe alcohol dependency. It is common for prisoners who have alcohol problems also to have drug problems. Just over a quarter of male prisoners who are hazardous drinkers are dependent on at least one type of illicit drug.
4. Prisoners aged over 60 years are the fastest growing age group in prison. Despite this, there is currently limited understanding of the needs of older people in prisons in England and Wales. Prison Reform Trust 2007 ‘[Doing Time](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Doing%20Time%20the%20experiences%20and%20needs%20of%20older%20people%20in%20prison.pdf) – the experience and needs of older people in prison’ states that:

Over half of all elderly prisoners suffer from a mental illness, the most common being depression which can emerge as a result of imprisonment. Some older prisoners will have a physical health status of 10 years older than their contemporaries on the outside.

A University of Oxford study found that more than 80% of sentenced male prisoners aged 60 years and over suffered from a chronic illness or disability.

The Prison Service has rewritten Prison Service Order (PSO) 2855 on disabilities to include a section on older people in prison. The Department of Health has issued a toolkit that details pathways to care for older prisoners.

1. In the UK, where prison healthcare jurisdiction has been transferred to the NHS, research suggests that more than 80% of older prisoners have a serious illness   
   or disability, with cardiovascular and respiratory diseases the most common. Disabilities associated with chronic disease are more common in older people in custody than those living in the community. Mental health disorder rates are also significantly higher among older offenders, with 30% diagnosed with depression[[2]](#footnote-2).
2. A [research report](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278827/estimating-prevalence-disability-amongst-prisoners.pdf) published by the Ministry of Justice in 2012 estimates that 36% of newly sentenced prisoners in prisons in England and Wales were considered   
   to have a disability, including mental health. This figure was made up of 18% with anxiety and depression, 11% with some form of physical disability, and 8% with both (figures do not add up to 36% because of rounding). This compares with approximately 19% of the general population. Disabled prisoners were more likely to report: having used drugs and needing treatment and support for a drug or alcohol problem; having experienced abuse or observed violence as a child; being homeless before custody; and needing help to find a job for when released.
3. While there is no recent research into the prevalence of learning disabilities among the prison population in England and Wales, research undertaken between 2005 and 2007 identified that 20-30% of offenders have learning difficulties or learning disabilities that interfere with their ability to cope within the criminal justice system[[3]](#footnote-3).
4. There are no women’s prisons in Wales and hence this module concentrates on males in custody. However, it should be noted that a large proportion of women prisoners will be primary carers of children with one fifth of women in prison being lone parents before imprisonment. The children of women prisoners are likely to have care and support needs of their own and consideration will need to be given as to how these children are identified so that their needs can be assessed and met (by the detainee’s Welsh home local authority). Women prisoners may face significant release and resettlement challenges when they move back home.

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| Facilitators’ hints and tips  It will be important to stress that although a high proportion of people coming into custody have significant problems and vulnerabilities, it should not be assumed that they will all have eligible care and support needs. Establishing whether they do will be a key part of the assessment process, but secure estate staff, at induction and perhaps other times, need to be aware of key triggers so that those who need an assessment get one. This is a good example of the kind of shared awareness and partnership working which the Act calls for. |

### Activity – Exercise

1. In small groups, and drawing on their shared experience, participants take one area of need identified above, for example, substance misuse, mental health, old age, or learning disability.
2. For the chosen area of care and support need, discuss and identify what potentially helps address these needs in the custodial setting.
3. For the chosen area of care and support need, discuss and identify the potential obstacles or hindrances to addressing these needs in the custodial setting.
4. How can these obstacles be eliminated or reduced?

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| Facilitators’ hints and tips  The approach to the management and care of prisoners with learning disabilities  by **HMP / YOI Parc** has been cited as good practice. This includes individualised Supported Living Plans, multi-disciplinary case management, a 14-hour network  of NVQ qualified prisoner support mentors, and specialist education provision and written materials. The approach:   * Provides a picture of an offender’s potential difficulties, strengths and weaknesses * Provides individually tailored advice and guidance for staff re: care planning and support strategies that is within context * Provides the offender with strategies to maximise their own potential and accessible resources * Identifies offenders that may benefit from further support and / or specialist assessment * Suggests reasonable adjustments   The **Lobster Pot** is a day care provision run at HMP Leyhill delivered by RECOOP staff (Resettlement and care for older ex-offenders and prisoners). Open five days  a week to the older population, its primary function is to facilitate resettlement of  older prisoners by focusing on the pathways: addressing attitudes, thinking and behaviour, accommodation, drugs and alcohol, children and families, health, education, training and employment and finance, benefit and debt. The team of  three provide age specific personal plans and support delivered in conjunction with Personal Officers that aim to:   * Improve confidence, skills and personal resources to reintegrate successfully into society * Increase personal responsibility for life choices and use life experiences to improve peer support * Better prepare individuals for end-of-life and ensure peers are better supported when such events take place |

## Slide 10 – The secure estate

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| The secure estate |
| * Agencies: * National Offender Management Service (NOMS) * National Probation Service (NPS) * Community Rehabilitation Company (CRC) * Youth Offending Teams (YOT) * Health provision * Local authorities * Provision: * Prisons * Approved premises * Bail accommodation * Youth detention |

### Facilitator Notes

1. All the agencies listed on the slide, i.e. criminal justice agencies, secure establishments, health and local authorities, and hence practitioners working in these agencies, have responsibilities for detained individuals with care and support needs. In operating the Act in a secure setting, it is important that practitioners from all agencies have a sufficient understanding of the criminal justice system, the agencies involved and their responsibilities. It is also important that all agencies co-operate in discharging their duties – this is a key partnership issue.
2. All these agencies have responsibilities as outlined in the national care and support pathway for adults in the secure estate, which we will cover in detail over the next three sections. However, it is important to be clear which local authority is responsible for adults with care and support needs at which times or under what circumstances – as outlined in the next three slides.
3. This slide also provides a summary of the different types of provision, including the types of secure accommodation for children and young people (because of transition issues for young people moving into the adult secure estate).
4. As at April 2015 there were 3,265 male offenders 18 years of age and over held   
   in Wales. Currently, adult males from Wales, depending on the sentencing court, offence and length of sentence, could also serve their sentences in almost all the 108 prisons in England with particularly significant numbers at HMP Altcourse in Liverpool, HMP Oakwood in Wolverhampton and HMP Stoke Heath in Shropshire. The table below shows the male adult secure facilities in Wales as   
   at June 2015:

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| **Name** | **Type** | **Population** | **Local authority** |
| **HMP Cardiff** | Local / resettlement | Males from 18 years of age | Cardiff |
| **HMP Swansea** | Local / resettlement | Males from 18 years of age | Swansea |
| **HMP Parc** | Local / training / resettlement | Males from 18 years of age | Bridgend |
| **HMP Usk** | Training prison –  sex offender treatment site | Males from 21 years of age | Monmouthshire |
| **HMP Prescoed** | Open prison / resettlement | Males from 18 years of age | Monmouthshire |

1. A new prison HMP Berwyn, within the Wrexham local authority area with 2,106 places, will become fully operational in 2017.
2. Approved premises provide a short term structured regime of interventions for offenders subject to license or community supervision. The main function of the approved premises is to protect the public through providing enhanced monitoring and supervision of offenders while also supporting their rehabilitation. The majority of NPS referrals for approved premises are for high risk offenders subject to statutory supervision, following a period of custody, and they are the priority group in terms of admission criteria in view of the level of risk they pose.
3. HMP Eastwood Park in South Gloucestershire holds the large majority of Welsh women and HMP Styal in Cheshire the minority. There are no approved premises for women in Wales and only limited bail accommodation.
4. Youth detention can mean any of the following:

Secure children’s home – run by local authorities and offers mixed accommodation focusing on the physical, emotional and behavioural needs   
of the young people they accommodate

A secure training centre – purpose built custodial facilities for 12-17 year olds and are run by private contractors

A young offender institution – run by the prison service and accommodating boys aged 15 to 17 years within the criminal justice system

1. As of June 2015, there were approximately 50 Welsh resident children in youth detention accommodation. Current youth detention provision within Wales and England, especially relevant to the operation of the Act, include:

YOI Parc Young Persons Unit (Bridgend)

Boys from North Wales aged 15-17 years are placed in Werrington YOI (Stoke on Trent)

Hillside Secure Children’s Home (Neath)

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| **Key learning point**  All these agencies have responsibilities for individuals in custody with care and support needs. |

### Activity – Exercise

1. In small groups, choose a secure establishment in Wales. Discuss the links which exist at different levels, e.g. at strategic, management and practitioner levels, between the establishment, the local authority and the other parts of the criminal justice system.
2. Draw them into a picture or chart to show the main characteristics. Are the links formal or informal, based on regular meetings, or occasional? Are there obvious gaps? What will be the most important links, and what would be key gaps, to be able to implement the Act?

## Slide 11 - Which local authority is responsible for adults?

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| Which local authority is responsible for adults? |
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### Facilitator Notes

1. The Act places **new duties** on local authorities to assess and meet the care and support needs of adults in the secure estate. In the community, a local authority is responsible for anyone who can show ‘ordinary residence’ within their boundary. Having a prison within a local authority’s boundary means that the prisoners are deemed to have ‘ordinary residence’ and the local authority in question is responsible for supporting the individual while they are detained.
2. This means that the responsibility for the need for care and support of an adult, regardless of their place of ordinary residence before their detention, falls on the local authority where the provision is located. This is a big change for local authorities with prisons located within their area as they have the same duties to fulfil in respect of assessing and meeting the need for care and support for adults in the secure estate as for their citizens in the community.
3. So, a local authority in Wales with a secure estate establishment(s) within its boundary must meet the care and support responsibilities for adults detained   
   in them **regardless** of the adult’s place of ordinary residence, in Wales or elsewhere, before their detention.
4. Some adult offenders from Wales will serve either part of, or all, their sentence in prisons in England. Female offenders from Wales will serve their entire sentence in England as there are no female prisons in Wales. Individuals from Wales may also be placed in approved premises in England.
5. Adults ordinarily resident in Wales, but detained in England, will have their care and support needs met under the Care Act 2014 by the English local authority in which the provision is situated. If the adult is subsequently transferred to Wales, the Welsh local authority in whose area the provision is located will then have responsibility under the Social Services and Well-being (Wales) Act 2014.

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| **Key learning point**  A local authority with a secure estate establishment located within its boundary has the same duties to fulfil in respect of assessing and meeting the need for care and support for adults in custody as for their citizens in the community. |

## Slide 12 - Portability and cross-border arrangements

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| Portability and cross-border arrangements |
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### Facilitator Notes

1. For adults, in the majority of circumstances, the local authority responsible for adults’ care and support needs while they are detained is the local authority with the secure estate establishment within its boundary. When an adult is **released** from the secure estate their place of ‘ordinary residence’ – and hence the local authority responsible for assessing and meeting their care and support needs – may change if, for instance, they move out of the local authority area where the secure estate provision was located.
2. The responsible local authority may also change during an individual’s sentence, for instance due to an inter-prison transfer while in custody or if a young person turns 18 while still in custody and moves to a new establishment.
3. When an adult in the secure estate moves across a local authority boundary (either within Wales or across the English / Welsh border) as a result of an inter-prison transfer while in custody or on resettlement after release, it is important to maintain **continuity** **of care and support**. Following notification by the secure estate of a transfer or impending release the ‘sending authority’ local authority   
   will be responsible for contacting the local authority to which the individual will relocate (the receiving authority) as soon as possible. Both authorities will need   
   to work together, and share appropriate information, until the receiving authority undertakes a re-assessment of the individual’s needs.
4. These arrangements are supported by the principles of **cross-border** continuity of care within the UK as set out in the Code of Practice for Part 4 of the Act – Annex 2. The principles set out how responsible authorities in the UK should ensure continuity of care for adults who receive care and support and are moving within the UK. The aim is to maintain the adult’s well-being and prevent them   
   from falling into crisis; ensure that the adult is at the centre of the process; and to require that responsible authorities should work together and share information in a timely manner to ensure needs are being met both on the day of the move and subsequently.

### Activity – Portability Quiz

1. Which local authority would be the local authority responsible for assessing and meeting any care and support needs in the following situations:

A man from Swansea who is in custody in Cardiff Prison

A man from Wrexham who is in custody in Woodhill Prison, Milton Keynes

A man from Ceredigion who is in an Approved Hostel in Manchester

1. A man who comes from Powys has been in custody in Birmingham Prison and has now transferred to Usk Prison. Which local authority is responsible for his care and support needs in the lead up to his transfer and following his transfer?
2. A man from England is in prison in Cardiff. He is due to be transferred to Thameside Prison in preparation for him returning home. Which local authority   
   is responsible for his care and support needs in the lead up to his transfer and following his transfer? What actions – between the local authorities – will need to take place?
3. A woman from Swansea serves her sentence in Eastwood Park Prison, South Gloucestershire. Which local authority is responsible for her care and support needs in the lead up to her transfer and following her transfer? What actions – between the local authorities – will need to take place?

**Answers**

1. Which local authority:

The City of Cardiff Council

Milton Keynes Council

Manchester City Council

1. Before transfer: Birmingham. After transfer: Monmouthshire County Council.
2. Before transfer: Cardiff. After transfer: Royal Borough of Greenwich. What actions will need to take place: to maintain continuity of care and support, both authorities will need to work together and share appropriate information until the receiving authority (Greenwich) undertakes a re-assessment of his needs for care and support.
3. Before transfer: South Gloucestershire. After transfer: City and County of Swansea. What actions will need to take place: to maintain continuity of care   
   and support, both authorities will need to work together and share appropriate information until the receiving authority (Swansea) undertakes a re-assessment of her needs for care and support.

## Slide 13 - Transition

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| Transition |
| * Which local authority is responsible for the care and support needs of young people who become 18 in the secure estate? * The local authority where the prison is located * The home local authority retains its responsibility for care leavers |

### Facilitator Notes

1. When a child in the secure estate reaches 18 they are legally regarded as an adult. The local authority where the provision is located to which that young   
   adult is transferred takes responsibility for their care and support needs whilst they are detained.
2. In the majority of circumstances there is no continuing obligation upon the child’s Welsh home local authority after the child reaches 18, unless the young adult is transferred to a provision within its boundaries. In practice these arrangements need to be reviewed on a case by case basis. Where it is believed to be in the child’s best interests to have the existing arrangements remain in place, after they reach 18, this may be co-ordinated between the relevant parties.
3. However, if a child that was previously ‘looked after’ by a local authority   
   reaches 18 while in the secure estate, their ‘home’ local authority retains its responsibilities for that **care leaver** during the period they continue to be detained – keeping in touch, personal advisers, pathway assessment and plans, pathway assessments and plans post-18 living arrangements (see the module on [Looked After and Accommodated Children](https://socialcare.wales/hub/hub-resource-sub-categories/looked-after-children)). Their care leaver entitlements are suspended for the duration of the detention, but are triggered again when they are released, for example the provision of accommodation, and support in respect of education and training.
4. Welsh home local authority means the local authority area where the child was ordinarily resident prior to being in custody.
5. Transition from the youth offending institution to the adult secure estate will   
   have different implications for young people depending on their individual circumstances. For those with established care and support needs the transfer to a different establishment could impact on their care and support needs and so a review of the care and support plan is needed.

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| Facilitators’ hints and tips  The Youth Justice Board’s ‘Youth to Adult Transitions Framework’ improves the processes by which young people move between youth and adult justice services, whether in the community or custody while improving the safety and outcomes for those within the criminal justice system and reducing the likelihood of reoffending.  The framework provides advice to Youth Offending Teams and probation managers writing local protocols for managing transitions in their community. In support of the framework, the National Offender Management Service published a protocol for transitions from youth to adult custody ‘Guidance on Transfers from Under 18 Young Offender Institutions to Young Adult Young Offender Institutions (MoJ, 2012c)’. The guidance offers advice to staff involved in the process within both the under-18 and over-18 secure estates by setting out how the process should work and what the expected roles and responsibilities are. |

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| **Case study**  Darren is now 18 years old and moving from the Young Offenders Institution (YOI) to an adult establishment. In the YOI he was assessed by the local authority as having mental health problems associated as a result of abuse he experienced as a young child. He has a very low level of self-esteem and has regularly self-harmed. While Darren did experience a short period in foster care while he was aged between 10 and 11 years of age, he and his parents were supported by the local authority and partner agencies to enable Darren to return home to his parents.  While in the YOI he had a Part 4 care and support plan in place, which included specialist counselling sessions and facilitated, supported family visits to support him in achieving his personal outcomes. Darren’s identified outcomes include seeing his mum and dad on a regular basis, to feel healthy and not have any more feelings of wanting to self-harm, and to work towards a qualification in carpentry. In addition, the YOI monitored him carefully, and helped him by giving him a ‘buddy’ to ensure that he did not become isolated. He received regular medication for depression, but this reduced over time, and there have been no recent incidents of self-harm.  He is very anxious about the transfer of establishment as he still has a year to serve and the move to the adult prison is 90 miles away from his home local authority area and so he will now be further away from his family. At present there is no agreed transition plan to manage the change between children’s and adults’ services, and the adult prison to which he will be moving is not within his home area.  **Question**   1. What are the respective responsibilities for local authority and secure estate staff for managing Darren’s transition from both children’s to adults’ social services and between secure establishments?   **Suggested answer**  The local authority in which the YOI is located (the 'sending authority') will need to  put arrangements in place to transfer his case to the local authority area in which  the adult prison is located (the 'receiving authority'). The 'receiving' authority will be required to put in place transitional arrangements to meet Darren’s needs while they undertake a review of his care and support plan.  Prison staff will be required to complete a first night screening and Basic Custody Screening Tool within 72 hours of his arrival. Health staff will have to undertake preliminary health screen and second healthcare initial assessment within 72 hours. In doing so, they will need to work with the local authority to ensure Darren's care and support needs are taken into account and to avoid duplication of the assessment process where possible.  **Question**   1. In undertaking a review of his care and support plan what are the likely key risks that should be considered?   **Suggested answer**   * Risk of loneliness and isolation * Risks from possible poor medical handover * Less contact with family * Recurrence of self-harm * Unable to pursue his training to become a carpenter impacting on his self-esteem and confidence, and ability to obtain employment |

## Slide 14 - Exemptions

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| Exemptions |
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### Facilitator Notes

1. The Act is drafted on an inclusive basis and so people in the secure estate should be treated in the same way as those in the community, but there are some exceptions. An individual detained cannot:

**Be a carer** if they are detained in prison, approved premises or youth detention accommodation

**Receive direct payments** towards meeting the cost of their need for support if they are in prison, approved premises or bail accommodation

**Express a preference for their accommodation** while they are in custody, although they would be able to do so if they were expressing a preference for accommodation they would occupy on their release

**Have their property protected** if they are in prison, youth detention or bail accommodation

1. Those on remand living in bail accommodation or under Home Detention Curfew would still be able to be a carer, to receive direct payments where applicable,   
   be able to express a preference for their accommodation (as part of the court requirement) and to have their property protected in the same way as any other individual within the local authority area.
2. Also note that an adult support and protection order cannot be used within premises of the secure estate, prisons or Youth Detention Centres.

## Slide 15

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| Care and support pathway:  Pre-sentence and on reception |
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### Facilitator Notes

1. End of the section on adults in the secure estate. We will now explore the   
   first stage of the care and support pathway for adults in the secure estate:   
   pre-sentence and on reception.

## Slide 16 - Pre-sentence report

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| Pre-sentence report |
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### Facilitator Notes

1. [Handout: National care and support pathway for adults in the secure estate](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs).
2. This slide and the next show the first part of the National Care and Support Pathway for adults in the secure estate in detail. They show the processes and responsibilities for the different agencies, and their links to each other in the   
   pre-custodial and initial custodial phases.
3. Make sure that all participants understand the following definitions:

Pre-sentencing report (PSR) is a report which is produced in readiness for the court to determine the sentence of the adult. It includes information about the adult’s living arrangements, health and any involvement with social services.

Prison Escort Record (PER) is a hard copy document that arrives with the adult when they are transferred to the secure estate. All other information should arrive within 24 hours including the PSR. The PER should seek to capture any immediate care and support needs that the individual may have that would impact on their first 24 hours in custody.

1. **Court stage or pre-sentence**, the National Probation Service (NPS) or the Court Officer may produce a pre-sentence report, which is an opportunity to identify if the adult awaiting sentence has any care and support needs. The adult may:

Have been assessed and already has a care and support plan

Have been assessed

Never have been assessed before

1. The NPS will need to contact the local authority where the adult has been living to learn the current position. It is also an opportunity to document if an 18- to 24-year-old is a care leaver.
2. If the end result is not custody, i.e. the person is released, the NPS should consider a referral to the adult’s home local authority if a care and support assessment seems to be necessary.
3. If the adult is sentenced the NPS should notify the secure estate establishment via the PRS and / or PER.
4. The steps of the journey are trigger points that offer opportunities for key staff working with offenders to check if the adult already has care and support needs and whether these needs are eligible, or if they have not been previously identified to refer them for an assessment.

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| **Key learning point**  The NPS is responsible for producing a pre-sentence report, which should identify any care and support needs the adult might have and whether a care and support plan already exists. |

### Activity – Exercise

1. In pairs, develop a list of ‘trigger’ information or behaviour that would suggest there may be a need for assessment. Be clear about the source of the concern – is it from a report, or observed behaviour, for example?
2. Compare your list with another pair. As a foursome, develop a list of the main triggers and then share experiences of how you have responded in the past. What would you do differently now?

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| Facilitators’ hints and tips  Depending on the audience, it may be appropriate to discuss with learners their feelings about what might trigger an assessment. It is not safe to assume that ‘someone else will do something’. We would suggest that they try not to worry about whether it is ‘not bad enough’ to merit a local authority assessment. It is important to avoid taking risks and everyone will need to learn by experience over time. |

## Slide 17 - On reception in the secure estate

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| On reception in the secure estate |
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### Facilitator Notes

1. On **reception into custody**, secure estate staff will carry out a first night screening and basic custody screening (within 72 hours).
2. Healthcare staff will carry out a preliminary healthcare assessment and a second healthcare assessment (within 72 hours). The health screening will have some added trigger questions.
3. These screens will provide an opportunity to check if the adult entering custody (on remand or sentenced) already has a care and support plan or appears to have needs for care and support. Secure estate and healthcare staff should discuss (after these screens have been completed) and agree if a referral for an assessment should be made to the local authority and who will action it.
4. If the adult already has a care and support plan this should be known and documented in the PER and / or the PSR and the local authority should have acted to review the individual’s care and support needs. If this is not the case, secure estate and healthcare staff should agree which of them will contact the local authority to discuss how the care and support plan can be met while the adult is in custody.

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| **Key learning point**  Secure estate and healthcare staff should discuss and agree if a referral for an assessment should be made to the local authority and who will action it. |

1. Secure estate staff will, while conducting the basic custody screening tool, identify **if a** **prisoner has children**. Section 6 relationships and section 8 health and   
   well-being of the tool are relevant here. When children are identified, the secure estate staff will forward the details to the local authority social services representative at the prison. In turn, that representative will make the offender’s home local authority or local authority where the children are living aware of the situation. The home local authority can consider whether the children or family require an assessment for their care and support needs or whether information, advice and assistance could provide help and support.

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| **Key learning point**  Secure estate staff should identify children affected by parental imprisonment as part of the basic custody screening. |

1. Lastly, note that all prisoners participate in an induction course within their first week of custody where they receive information about their rights and entitlements while they are in custody. The introduction course should include a module on the care and support system and how individuals can access this while in the secure estate, including:

Knowledge about how to make contact with the information, advice and assistance service

What preventative services or support are available within the prison

How to self-refer for an assessment while in custody

Rights and entitlements of care leavers

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| **Case study**  Ifan is a young man in his 20s who arrives in a training prison to serve the remainder of his sentence, which is 18 months. During the basic custody screening Ifan shares that he is finding it really difficult to be away from his two young children and worries that his relationship with them will be adversely affected by his imprisonment.  **Question**   1. What do you think is the impact of a parent’s imprisonment on children?   **Suggested answer:**  For multiple reasons the children of prisoners are at higher risk than the wider child population and are likely to require extensive support. Impact include:   * Child poverty – loss of income, cost of prison visits * Health and safeguarding – stigma, bullying, caregiver distress, change in childcare * Contributing to society – increased risk of anti-social behaviour and offending in young people, negative impact on employment * Education – higher levels of truancy, poorer educational outcomes, reduced opportunities of access to life-long learning   Parental imprisonment thus presents an opportunity to identify children at risk of poor outcomes and to offer support to mitigate the effects of both parental imprisonment and family circumstances.   1. What action needs to be taken by the person completing the basic screening?   **Suggested answer:**   * Details of his family and the impact of his imprisonment should be captured in section 6 and section 8 of the basic custody screening tool * Details of his children need to be passed to the home local authority so thatconsideration can be given to instigating a care and support assessment for them / the family * Ifan should be provided with information and advice about how he can maintain contact with his children and family |

### Activity – Exercise

The purpose of this simulation exercise is to help people think about some of the issues involved in screening. Organise participants into groups of three.

1. One person will simulate the role of ‘Gavin Brown’ the prisoner. Another person will simulate the role of ‘Martyn Jones’ the first night screening officer. Give ‘Gavin’ and ‘Martyn’ the briefing notes shown below.
2. Give both people time to read and think about their role (3 minutes) and then ‘Martyn’ should interview ‘Gavin’ for a first night screening (10 minutes).
3. The third person should act as an observer noting how the interview goes, how both people interact and what key things emerge. This person should be prepared to give feedback to the others. The three should discuss what happened and any learning points (10 minutes).
4. At the end of the exercise take the key messages from each group of three and summarise the learning and key points as a whole group.

**Briefing Note: Gavin**

You are 28 years old. This is your first time in custody and you are scared and wary. Before coming in on remand for burglary you had been receiving help with your mental health problems. You are bipolar and when taking your medication you are stable and able to function well. You don’t like some of the side effects so quite often you don’t take it and things can go wrong. You have a partner and she too has mental health problems. You are worried that she will now be coping on her own with your two children under five, both of you had been having help with care of the children because of concerns recently about their failure to thrive. You are not sure how much to trust prison staff and don’t want to be labelled a ‘nutter’.

**Briefing Note: Martyn**

Gavin Brown is 28 and is in custody for the first time. There is not much information available to you as there is no Court Report – he has been remanded for reports. The Court Duty Probation Officer sent a message with the escort staff that this man has mental health problems and has been taking medication. The medication came with him. The Court Duty Officer says there was no one at court with him but he was very worried afterwards about his partner, who he thinks may struggle to cope with the children. Your job now is to do the initial screening. Please interview him and try to establish what trigger concerns there may be, and what will you do about them.

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| Facilitators’ hints and tips  Key messages from the simulation exercise to stress:   * There will not always be much information, but be sure to read carefully what there is * A first time in custody is scary and a natural instinct may be to keep information back for fear of what disclosure may mean. What can you do to reassure the prisoner on this point? * There will be issues of immediate concern such as medication, safety, and so on, and responsibilities after that for communication and referral to health and the responsible local authority |

## Slide 18

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| Care and support pathway:  Assessing and meeting needs in the  secure estate |
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### Facilitator Notes

1. End of the section on the first part of the care and support pathway for adults in the secure estate. This section explores the duties for assessing and meeting the needs of adults in the secure estate. Slide 22 shows the part of the national care and support pathway for adults in the secure estate in detail.

## Slide 19 - Assessing the needs of individuals

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| Assessing the needs of individuals |
| * The right to an assessment based on  the appearance of need for care and support, regardless of the level  of need * Aims to simplify assessments through  a single process for children and adults  in the community or  secure estate |

### Facilitator Notes

1. The Act creates a **right to an assessment** where it appears that the individual may have needs for care and support. The duty to assess applies to individuals regardless of their level of need (or of their financial resources). The aim is to streamline assessments through a **single process** for children and adults (while recognising their different needs) that applies to those in the community **and** the secure estate.
2. **Referral – e.g. from health or secure estate staff, or self-referral from the adult – for an assessment can be made to a local authority at any time.** Clearly it is necessary to access appropriate assessment arrangements on entering custody, but the fluctuating needs of individuals can mean that they may require an assessment or review at any time, such as during a sentence or when transferring between establishments. The local authority must ensure that once it is notified that an individual within the secure estate is believed to have care and support needs, it provides an appropriate and proportionate **assessment** that takes into account the five elements of assessment.
3. Assessments must, as a minimum, record information in line with the national assessment and eligibility tool, which comprises the **national minimum core data set (NMDS)** and an analysis structured around the **five elements of assessment** (shown in the slide):

Assess and have regard to the **person’s circumstances**

Have regard to their personal **outcomes**

Assess and have regard to any **barriers** to achieving those outcomes

Assess and have regard to any **risks** to the person if the outcomes are not achieved

Assess and have regard to the person’s **strengths and capabilities**

1. The process of assessment requires that practitioners have discussions with people to identify what matters to them and the personal outcomes they wish to achieve, and what contribution the individual and their family or the wider community can make to achieving those outcomes, taking into account the impact of detention condition.
2. Effective assessments should be valuable experiences in themselves. They should build a better understanding of someone’s situation, identify the most appropriate approach, and establish a plan for how they will achieve their personal outcomes, including signposting people to relevant information, advice and assistance or preventive services.
3. Local authorities are responsible for assessment, but may commission or arrange for others to do so, or delegate the performance of the function to another party, but the responsibility for fulfilling the duty will remain that of the local authority.
4. It is important that local authorities **work with and co-operate** with partners, including NOMS – and through them, the prison services in Wales – National Probation Service, Wales Community Rehabilitation Company and also with youth offending teams, in discharging their duties.

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| **Case study**  Griff is 32 years old and is currently serving a custodial sentence for arson. He has a mild learning disability and has recently been diagnosed with diabetes and glaucoma. Griff’s learning disability means that he has poor literacy skills and can have difficulty understanding information if delivered in a complex way. Griff is a Welsh speaker and he struggles when people communicate with him in English.  **Question**   1. What information, advice, assistance or preventative services might be useful in helping Griff to manage his diabetes and glaucoma, and delay or even prevent the need for further support?   **Suggested answer:**   * Information about managing diabetes and advice about how to manage diabetes day-to-day * Advice – and if required, assistance i.e. someone to prompt him – on how to check his feet regularly between reviews * Information about when, where and how to contact the prison healthcare team * Work with the prison catering service to ensure that his diet is managed appropriately (for the diabetes and glaucoma) * Support him to participate in regular exercise   **Question**   1. What will need to be taken into account when providing Griff with information and / or advice? Can you suggest how you might provide information and advice in a way that would be effective for Griff?   **Suggested answer:**   * Information to be provided in the medium of Welsh * A Welsh speaking member of staff when communicating with Griff, e.g. attending appointments, or an ‘appropriate individual’ to help him overcome a potential barrier to participating i.e. communicating wishes and feelings and possibly the barrier understanding information – see slide 21 on advocacy |

## Slide 20 - What matters conversations

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| What matters conversations |
| * A focus on personal outcomes * Sharing power and speaking as equals * Exploring what is important to the person seeking care and support |

### Facilitator Notes

1. The implementation of the Act requires a change to current local authority assessment practice, with a move away from ‘identifying what services an individual needs’ to an emphasis on what care and support the individual   
   requires to achieve the personal outcomes ‘**that matter to them**’ – outcomes identified through a respectful conversation about how the individual wants to exercise control over decisions about their care and support.
2. The process of assessment should be based on the principles of **co-production** so that practitioners and individuals share the power to plan together. This might mean a shift in relationship between professionals and people detained. For professionals it will be important to enable and empower individuals.
3. Developing a **strengths-based** approach is seen as a key aspect of working collaboratively between the individual, family and the professional(s) supporting them, working together to determine outcomes that draw on the individual’s strengths and assets.
4. In carrying out an assessment, local authorities must work with people to identify what matters to them. People will wish to achieve different aspects of well-being, dependent on their circumstances, and these make up personal outcomes. Local authorities must consider the personal outcomes that an individual wishes to achieve, the resources available, and how the local authority may support them to achieve these. Central to this will be understanding the barriers that a person may face in achieving their personal outcomes.
5. Assessment starts from the presumption that an adult is best placed to judge their own well-being and the personal outcomes they wish to achieve based on their own values and what matters to them. Engaging effectively in a ‘what matters to me’ conversation requires practitioners to: listen rather than tell; resist rescuing or fixing; empathise and work with the adult not the presenting behaviour.
6. Individuals usually know what will help them. In keeping with the voice, choice and control principle that runs throughout the Act, individuals with care and support needs must be fully engaged in identifying what preventative measures could assist them to achieve their well-being and in planning their delivery. These can be from within their own, their families and their communities’ resources.

### Activity – Discussion

1. On your own think for a few minutes about what it would be like to be in custody. What choices and freedoms would you not have compared to your normal daily life? Make a list and identify which single issue would matter most to you and what your personal outcome would be.
2. Share your list with a partner. In pairs, discuss how it makes you feel. What are the main effects on your behaviour and functioning likely to be? What assets and strengths would you have to enable you to achieve your outcomes?
3. Two pairs come together as a group of four. Discuss how in interviews with people in prison you might take a co-productive approach to enable people to identify their personal outcomes and their assets and strengths in achieving them.
4. What might you need to do differently? Make a note of your top five tips. Share your top tips with the whole group.

## Slide 21 - Advocacy

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| Advocacy |
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### Facilitator Notes

1. **[Handout: Advocacy](https://socialcare.wales/hub/hub-resource-sub-categories/introduction-and-general-functions)**
2. Individuals with care and support needs must be able to participate in the assessment – you won’t be able to have a ‘what matters’ conversation otherwise. The Code of Practice for Part 10 of the Act requires that local authorities support people to fully participate in the key care and support processes of assessment, care and support planning and review, and any safeguarding enquiries.
3. Despite the barriers individuals may be experiencing, you must involve them, help them express their wishes and feelings, and support them to weigh up options and make decisions about their personal outcomes. The decision pathway in this slide shows two ways in which an individual could be supported if you thought that they might experience barriers to their participation.
4. Firstly, it is important to establish if and how the person could be better supported by making changes to the arrangements. For example, by providing information   
   in an accessible format and involving an appropriately trained and registered interpreter if the person needs one e.g. if they are a sign language user or don’t have enough English or Welsh to be involved. Note that public authorities (government, police, prisons, the NHS, etc) have a duty under the Equality Act 2010 to make reasonable adjustments to meet the needs of people with particular accessibility requirements. Such adjustments should be made before the barriers to the person fully participating in the process are reviewed again.
5. However, some people won’t be able to fully participate, even if the process has been adapted to meet their communication needs, because of the barriers they experience. The Act defines four ways in which people could experience barriers that impair them from fully engaging and participating:

* Understanding relevant information
* Retaining information
* Using or weighing up the information
* Communicating their views, wishes and feelings

1. You must, in partnership with the individual, make a judgement about whether that individual can only overcome the barrier(s) and participate fully if there is someone available to support and represent their views, wishes and feelings. If there is no ‘**appropriate individual**’ to advocate for the person then the local authority must arrange for an independent professional advocate to support and represent them.
2. An ‘appropriate individual’ could be a parent, carer, friend, neighbour, relative or fellow prisoner for instance. The key thing is that they must be able to adequately support the person’s participation. They must not be someone the person does not want to support them nor someone implicated in a safeguarding enquiry.
3. Note that if an adult lacks capacity to make a decision then an assessment of their capacity under the Mental Capacity Act 2005 should be made. This may affect the type of independent advocacy which is appropriate for them.
4. Advocacy is covered in detail in the Advocacy training module. It explores Part 10 of the Act on advocacy and how advocacy fits with other parts of the Act. It also aims to build awareness and understanding of advocacy among those who could have the potential to work with, or make referrals to, advocacy services.

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| Key learning point  You must support individuals to fully participate in the key care and support processes. You should consider, from the first point of contact, whether independent professional advocacy should be made available. |

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| Facilitators’ hints and tips  All relevant people involved in assessment and care planning processes are expected to understand and apply the Mental Capacity Act 2005 as well as the Social Services and Well-being (Wales) Act 2014. The 2014 Act gives some individuals the right to receive support from an independent professional advocate. The Mental Capacity Act 2005 gives some adults who lack capacity to make a specific decision  a right to receive support from an Independent Mental Capacity Advocate (IMCA).  It may be appropriate to explore with participants the differences and links between the 2014 Act and the Mental Capacity Act (MCA).  There are similarities with the MCA, but the duty to provide independent advocacy under the 2014 Act is broader and applies to a wider set of circumstances e.g. it provides support both to people who have capacity but who experience barriers in participating fully and to those who lack capacity. The local authority must meet its duties in relation to working with an Independent Mental Capacity Advocate and those in relation to an independent professional advocate under the Act.  Theoretically, a local authority could appoint one advocate as an IMCA and a different person acting as an independent professional advocate under the Act as  the local authority must meet its duties in relation to both sets of legislation: one duty does not ‘trump’ the other. However, this is not likely to be beneficial to either the individual needing advocacy or the local authority. The same advocate can provide support as an independent professional advocate under the 2014 Act and under the Mental Capacity Act, if trained and qualified to do both. |

### Activity – Exercise

1. Describe the factors that you might want to consider when judging if someone is experiencing barriers in fully participating in the key care and support processes?
2. How will you ensure that prisoners can have access to ‘appropriate individuals’ and how will you enable appropriate individuals to take part effectively?

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| **Suggested answer:**  Every individual is unique and you need to take account of the particular situation and the whole person. Remember that your judgement is about whether they experience barriers in fully participating in the particular process which is to take place (assessment, planning, review or safeguarding) – so you need to establish this to your satisfaction on the information available to you. The factors that this judgement needs to focus on could be any combination of age, intellectual, physical, emotional, psychological or sensory, and some of the questions which you need to consider are whether the person is able to:   * Answer the questions you need to ask * Make clear that they understand who you are and what your role is * Make clear to you that they understand their situation * Tell you how they feel about their situation * Show you that they understand what you have told them * Recall information or decisions that were shared in any previous meeting * Fully describe the options available to them * Describe the possible outcomes of any choices they make * Describe their preferences to you   If a person is experiencing barriers with any one of the areas of understanding, retaining, or weighing information or communicating their views, wishes and feelings, then that would indicate that they need more support to be able to fully participate. However, you need to establish whether the person’s immediate situation is particularly unusual or stressful, or whether the barrier is substantial enough to have an impact on their participation.  You need to ensure that the barrier is not caused by external factors that can  be addressed. You should do so by resolving these wherever possible. So, for example, you need to make sure that your communication methods offer the person good opportunities to participate and that any information you share with them is presented in an appropriate format.  You need to make sure that you are making the judgement on the basis of the person’s true responses. So, for example, you need to be clear that they are not inappropriately influenced or interpreted by other people, and that their responses are not affected by fears or threats. An important way of getting the information you need to make your judgement is by engaging directly with the person themselves, but there are other sources of information which can help you to get a rounded picture such as speaking with family and other people who know the person well or checking any records or reports or legal judgements relevant to the person. |

## Slide 22 - Meeting the needs of individuals

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| Meeting the needs of individuals |
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### Facilitator Notes

1. This slide provides a diagrammatic overview of the eligibility and care planning process. Eligibility for those in the secure estate will be determined as part of the assessment process in the same way as for those living in the community.
2. From the first point of contact practitioners should consider whether advocacy support may be necessary for the individual to be able to fully participate in the assessment process.
3. The assessor must report any concerns identified about abuse and neglect of an adult in custody.
4. The determination of eligibility will flow from, and is a product of, the assessment process. Following assessment, a judgement must be made about whether the assessed need is eligible based on the national eligibility criteria for adults – see next slide.
5. Determining eligibility is not about giving a right to any one service, but about guaranteeing access to care and support where without it the person is unlikely to achieve their personal outcomes. The model of eligibility under the Act confers the eligibility status on the need not on the person, which means that some needs may be eligible and other needs the person has are not. The individual has an eligible need for care and support if an assessment establishes that they can only overcome barriers to achieving their personal outcomes by the local authority working with them in jointly preparing a care and support plan and ensuring that the plan is delivered.
6. If the needs are not eligible, the individual should be signposted to the information, advice and assistance service (IAA) and / or preventive services. Remember that the local authority is responsible for ensuring that an individual with a need for information and advice about care and support is able to access it.
7. If the needs are eligible, the local authority must develop (or review) a care and support plan, to detail how their needs can be best met, including signposting to information, advice and assistance and preventive services, and share it with the individual and key partner agencies in the secure estate. While the individual is detained the local authority should work with the secure estate to deliver care and support as outlined in the plan.

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| **Key learning point**  If an individual’s needs are eligible the local authority must develop (or review) a care and support plan. |

1. Care and support plans for those in custodial settings will be subject to the same review process, and plans should be reviewed each time an individual enters custody, transfers between establishments or is released.

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| **Key learning point**  Care and support plans should be reviewed each time an individual enters custody, transfers between establishments or is released. |

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| **Case study**  Owen is 72 years of age and was charged with death by dangerous driving and sentenced to two years in prison. Owen has just been diagnosed with the early stages of Alzheimer’s. At this early stage, Owen does not need a care and support plan as his needs are being met by the safe environment and predictable routine of prison life. However, his symptoms will progress and as a result his need for care and support will increase.  **Question**   1. What information, advice and / or assistance services could be made available to Owen?   **Suggested answer**   * Buddy within the prison population to assist with basic daily tasks (e.g. personal grooming) and for moving around the prison * Handrails and clearer signposting * Identify alternative work and recreational activities e.g. activities that involve the use of fingers to stimulate brain activity * Participate in daily routine tasks of the prison to provide a sense of routine and responsibility * Link Owen with Recoop a charity promoting the care of older offenders. They run a range of activities such as weekly well-being clubs, an adapted version of the memory cafe initiative run in the community by the Alzheimer's Society. Sessions can also include a brain gym, gentle exercise and "Singing for the Brain", an innovative programme that helps people with dementia socialise and express themselves |

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| **Case study**  Bryn is 53 years old and has recently been sentenced to five years in prison for serious fraud following prosecution in relation to an online scam related to insurance.  Bryn is single, has no children, and was living with his 78 year old mother at the time of the offence due to his physical disabilities. Bryn has a degenerative muscle condition and as such is dependent on a wheelchair. Whilst living at home Bryn was in receipt of direct payments to support him with washing, bathing and dressing. Bryn used his direct payment to employ a personal assistant who would visit in the morning and evening five days per week. An aunt living close by supported Bryn two days per week and also provided practical support to his mother in the family home. Bryn was a sociable person and would regularly drink in the local pub with his friends. He enjoyed taking part in the monthly pub quiz.  Bryn has not suffered from mental health issues in the past and has always been sociable but since his court appearance his mood has been very low and he has become withdrawn and socially isolated. He had been on bail before sentence, and had been very distressed in the cells at court. This was picked up on his prison health screening on reception. The screening also noted the medication, which Bryn has been taking for high blood pressure and pain relief.  The prison induction report noted that he was anxious about how he could cope with his disability while in prison. In completing the Pre-Sentence Report the National Probation Service have obtained a copy of Bryn’s care and support plan and have shared this with both the Court and the secure estate.  **Question**   1. Should Bryn’s care and support plan be reviewed?   **Suggested answer**   * Yes, his personal circumstances have changed and, not least, he will no longer be entitled to Direct Payments while in the secure estate   **Question**   1. What steps must the local authority take next?   **Suggested answer**   * Work in partnership with Bryn to identify the areas of well-being that are important to him and to identify the personal outcomes that he would want to address through his care and support plan * Consider signposting to information, advice, assistance and preventative services available in / to the secure estate * Provide relevant information to inform Bryn’s induction course * Work with the secure estate and any identified health professionals to deliver  any care and support services that are identified in Bryn’s reassessed care and support plan |

### Activity – Questions

1. What type of care and support needs or circumstances might make prisoners require safeguarding interventions?

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| **Suggested answer:**  Prisoners with:   * With learning disabilities * With diminished mental capacity, as defined in the Mental Capacity Act 2005 * Who habitually remain within their cells and / or have few possessions * Who are / have been purchasing items for others and / or swapping property * Who repeatedly break prison rules (this can be due to a lack of cognitive capacity and / or an inability to read notices rather than disobedience – safeguarding issues may easily be confused with a discipline problem) |

1. What arrangements must the Governor of the prison have in place to ensure that adult prisoners are safeguarded from abuse and neglect?

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| **Suggested answer:**   * Clear safeguarding policies and procedures agreed with the safeguarding adults board that:   Set out arrangements for raising concerns about abuse and neglect of an adult in custody  Investigate whether or not the suspected abuse or neglect took place and prevent further abuse or neglect  Support and protect victims, witnesses and reporters (including protecting complainants / reporters from victimisation)  Ensure that appropriate sanctions are applied to the perpetrator(s)   * Arrangements with the local authority for receiving advice and assistance on individual cases * Arrangements with the local authority for managing safeguarding incidents that occur while the prisoner is outside the prison setting and in the community * Proactive approaches to reviewing safeguarding on a regular basis including:   A log, reviewed annually, for recording practices that could compromise the well-being of adults while in prison and following release. The log would include incidents within and outside the immediate authority of the setting e.g. last minute, unsuitable accommodation on release, inadequate interventions or care arrangements at the point of resettlement such as for those at risk of sexually harmful behaviours or with emerging personality disorders  Concerns should be referred to the safeguarding board overseeing the prison setting |

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| Facilitators’ hints and tips  The **‘Story-Time Dads’** project at HMP Lowdham Grange is a project set up to show how the prison’s high-quality audio visual technology helps offenders maintain strong family ties. DVDs of dads reading stories for their children are produced in-house and offenders pay £4 towards production costs. The DVDs contain stories told or read by offenders for their children or for their nieces, nephews or other children. They are also used for messages and greetings on special occasions, such as Christmas, anniversaries, birthdays and Valentine’s Day. The project is managed by a full-time member of staff, assisted by five offenders who act as editors. The editors have varying degrees of expertise and have worked on the project for different lengths of time. Accreditation in video editing qualifications at level 1 and 2 is available and enables offenders to gain skills that support successful resettlement. |

## Slide 23 - Care and Support (Eligibility) (Wales) Regulations 2015 – adults

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| Care and Support (Eligibility) (Wales) Regulations 2015 – adults |
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### Facilitator Notes

1. [Handout: Eligibility Criteria for Adults](https://socialcare.wales/hub/hub-resource-sub-categories/assessing-and-meeting-individual-needs).
2. [Handout: Eligibility Case Study](https://socialcare.wales/hub/hub-resource-sub-categories/assessing-and-meeting-individual-needs).
3. Following the assessment, a judgement must be made about whether the assessed need is eligible for care and support, based on the national criteria in the Care and Support (Eligibility) (Wales) Regulations 2015. There are four separate conditions which must all be met for the adult’s assessed need to be eligible.

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| **Key learning point**  Criteria for eligibility in the secure estate will be the same as in the community, but will need to take account of the impact of detention conditions. |

1. The first condition relates to the adult’s circumstances and is met if the need arises from the circumstances which are specified in the regulations and shown on the left-hand side of the slide:

Physical or mental ill-health

Age

Disability

Dependence on alcohol or drugs

Other similar circumstances

1. The second condition is met if the need relates to one or more of the outcomes specified in the regulations and shown on the right-hand side of the slide:

Ability to carry out self-care or domestic routines

Ability to communicate

Protection from abuse or neglect

Involvement in work, education, learning or in leisure activities

Maintenance or development of family or other significant personal relationships

Development and maintenance of social relationships and involvement in the community

Fulfilment of caring responsibilities for a child

1. The third condition is met if the need is such that the adult is not able to meet that need alone, with the care and support of others who are able or willing to provide that care and support; or with the assistance of preventative services.
2. The assessment should establish whether the individual’s needs are such that   
   the needs **cannot** be met through: preventative services which are accessible to them without the need for a care and support plan; care and support co-ordinated by themselves, their family or friends, or others; or by any other means.
3. The above means that if an individual’s need for care and support is being (or will be) met with the support of others who are willing to provide that support then the duty on a local authority to meet those needs does not apply.
4. The fourth condition is met if the adult is unlikely to achieve one or more of their personal outcomes unless the local authority provides or arranges care and support to meet the need in accordance with a care and support plan or it enables the need to be met by making direct payments.

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| **Key learning point**  The eligibility status is given to the assessed need not the person. |

1. Note that local authorities can also decide to meet needs that do not meet the eligibility criteria if they choose to do so. Discretionary powers enable a local authority to meet the care and support needs of an individual irrespective of the eligibility determination.
2. The determination of eligibility is distinct from any financial assessment that the local authority is required to make. However, the financial assessment may inform the prisoner’s decision whether to accept the local authority’s care and support plan or take a different route to achieving their identified outcomes.

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| **Key learning point**  The adult has an eligible need for care and support if an assessment establishes that they can only overcome barriers to achieving their personal outcomes by the local authority working with them in jointly preparing a care and support plan, and ensuring that the plan is delivered. |

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| Facilitators’ hints and tips  This slide and the corresponding case studies give an opportunity for learners to apply the national eligibility criteria. There are two case studies available to illustrate the approach to determining the eligibility of the needs of people in the secure estate.  Each case study includes an analysis of an assessment to establish whether the individual’s personal outcomes can be met, or can be met sufficiently, without a care and support plan. The case studies conclude with an explanation of the eligibility decision which can be used to facilitate group discussion on the interpretation of the eligibility criteria. |

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| **Case study**   1. Tell me a bit about yourself  * I am Hywel. I am currently two years in to a 20-year prison sentence. I am  55 years old.  1. Tell me a bit about what’s been happening?  * Six months ago I suffered a stroke. I lost the use of the upper right side of my body. I received some rehab support which included physio. The physio has helped a bit, but I am struggling to do things for myself.  1. What concerns you most?  * I can still get about and I am learning to use my left hand to eat and wash but there are lots of things that I can no longer do. I can’t write to my family, I can no longer play pool with the other lads and I can’t continue to work in the prison workshop as an electrical engineer.  1. Can we spend a little time exploring what matters to you?  |  |  | | --- | --- | | **National Outcome Framework** | **What matters to me?** | | Well-being |  | | Physical and mental health, and emotional well-being | To regain as much use of my right-side as possible | | Protection from abuse and neglect |  | | Education, training and recreation | To continue working as an electrical engineer in the prison workshop | | Domestic, family and personal relationships | To maintain contact with my family, especially my children | | Contribution made to society |  | | Securing rights and entitlements |  | | Social and economic well-being |  | | Suitability of living condition |  |  1. What things prevent you from being able to achieve the things that matter to you?  * Not being able to use my right-side means that I am struggling to write to my family. * It also means that I am unable to continue to work as an electrical engineer.  1. Could support help you achieve the things that matter to you?  * I’m not sure.  1. What are the risks if you are unable to achieve the things that matter to you?  * I am worried that if my kids don’t hear from me it will be harder to maintain my relationship with them.  1. What skills and strengths do you have that will help you achieve the things that matter to you?  |  |  | | --- | --- | | Internal strengths | I don’t give up easily | | People who give me strength | My family | | Things I am proud of | My kids | | Any other strengths | My skills as an electrical engineer |  1. What skills, capacity and support do you think your friends and family have to offer that might help you achieve the things that matter to you? (E.g. do you share any common interests?)  * I don’t think they can really help me while I’m in here.  1. What skills, capacity and support do you think the community has that could help you achieve the things that matter to you?  * The prison workshop has asked me if I want to help train others in electrical engineering rather than do the work myself. I’m not sure I’ll be any good at teaching others but I guess it’s better than doing nothing. * I think the prison has a letter writing assistance service.  1. Are the skills, support and capacity available sufficient to enable you to achieve the things that matter to you?  * Probably, yes.  1. Eligibility determination:  * Hywel does not have eligible care and support needs. * He should, however, be given information – and assistance, if needed  – about the prison letter writing service and considered for additional physio support. |

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| **Case study**   1. Tell me a bit about yourself  * I am Colin. I am currently 10 years in to a 20-year prison sentence. I am  63 years old.  1. Tell me a bit about what’s been happening?  * Eight years ago I had a stroke and lost the use of the upper right-side of my body. I had regained some use of my right-hand, but six months ago I suffered a second stroke. This time I have lost the use of my right-side completely, including the use of my right leg. I struggle to get to the toilet in time and so I am frequently wetting myself. My speech is also slow and a bit slurred.  1. What concerns you most?  * I can no longer take care of myself.  1. Can we spend a little time exploring what matters to you?  |  |  | | --- | --- | | **National Outcome Framework** | **What matters to me?** | | Well-being | To wash and dress daily  To manage my toilet needs more effectively | | Physical and mental health, and emotional well-being | To regain as much use of my right side as possible | | Protection from abuse and neglect |  | | Education, training and recreation |  | | Domestic, family and personal relationships |  | | Contribution made to society |  | | Securing rights and entitlements |  | | Social and economic well-being |  | | Suitability of living condition |  |  1. What things prevent you from being able to achieve the things that matter to you?  * My lack of mobility is preventing me from washing and dressing myself and from using the toilet when I need to.  1. Could support help you to achieve the things that matter to you?  * I need someone to assist me to wash and dress. I need the right equipment to do as much of it as possible for myself and I need some reasonable adjustments to allow me to access the toilet facilities quickly when I need to.  1. What are the risks if you are unable to achieve the things that matter to you?  * My health will deteriorate further.  1. What skills and strengths do you have that will help you achieve the things that matter to you?  |  |  | | --- | --- | | Internal strengths | I don’t give up easily | | People who give me strength | My family | | Things I am proud of | My kids | | Any other strengths |  |  1. What skills, capacity and support do you think your friends and family have to offer that might help you achieve the things that matter to you? (E.g. do you share any common interests?)  * My family can’t help me in here. I have a few mates in here and they help me to write to my family and stuff but they can’t help with this.  1. What skills, capacity and support do you think the community has that could help you achieve the things that matter to you?  * I don’t know. The physio comes to see me and there is a bloke who helps me have a bath once a week but otherwise it’s left to the prison officers who are too busy most of the time.  1. Are the skills, support and capacity available sufficient to enable you to achieve the things that matter to you?  * No.  1. Eligibility determination:  * Colin has eligible care and support needs. Care and support could include:   The Prison Healthcare Service providing support with washing and dressing  in the morning and during the evening.  A bell in his cell to call for help when he needs to use the toilet.  Reducing sleep time to allow more time in the morning to get to the toilet.  Handrail or raised toilet seat in a toilet facility close by (make it easier and quicker to use the toilet). |

## Slide 24 - Format and content of plans

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| Format and content of plans |
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### Facilitator Notes

1. Local authorities must provide, and keep under review, care and support plans for individuals who have needs for care and support which meet the eligibility criteria.
2. The overarching duties of the Act must be followed when developing plans,   
   which should be person-centred, promote well-being and be outcome-based. It   
   is also important that they are clear and concise and use appropriate language, communication methods and are in an accessible format so that the individual can participate in their planning and understand their plan.
3. Safeguarding runs throughout the Act and all practitioners will need be alert to any risk of harm to the individual or to others. Care and support planning will explore the possible responses to these risks and agree approaches to risk management and / or mitigation.
4. Plans must also be integrated where possible (and it is appropriate to do so) and be jointly owned and operated by practitioners. For example, integrated across health and social care.
5. The format of the plan must be agreed by the local authorities and local health board (LHB) and NHS Trusts and, as a minimum, must be consistent across the regional LHB footprint. They must work together to ensure that local and specialist templates for support plans meet the national minimum core data set and content required.
6. Information should be accessible in either Welsh or English reflecting the Welsh Government strategy ‘More than Just Words’. This means that the local authority should be proactive in its approach and the individual should be asked which language they would prefer at the beginning of the process. This will ensure that they are able to receive services in their own language throughout the process of identifying and meeting care and support needs, while enabling them to communicate and participate in their care as equal partners.
7. The plan as a minimum should cover the following content:

Personal outcomes which have been identified by the individual, and the actions to be undertaken to help achieve them by the local authority and others

The need(s) for care and support that will be met

The review arrangements and how progress will be measured

1. Where appropriate plans should also set out:

The roles and responsibilities of the individual, others detainees or family members

The resources (including financial resources) required from each party

1. Care and support plans must contain a clear date, which should be agreed with the individual and / or family, by which the plan will be reviewed – as a minimum annually.
2. A care and support plan could relate to a single service meeting one or more care and support needs or be more complex and involve mapping out several different services meeting one or more needs.

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| **Key learning point**  The overarching duties of the Act must be followed when developing plans, which should be person-centred, promote well-being and be outcome-based. |

## Slide 25

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| Care and support pathway:  pre- and post-release |
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### Facilitator Notes

1. End of the section. We will now explore the pre- and post-release part of the national care and support pathway for adults in the secure estate.

## Slide 26 - Pre-release preparation

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| Pre-release preparation |
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### Facilitator Notes

1. Twelve weeks prior to their release the *Through the Gate* arrangements will mean an adult will transfer to their resettlement prison (a prison within the local authority area where they will settle on release or as close to it as possible). Community Rehabilitation Company Wales (CRCW) will review the adult’s resettlement plan. This will trigger an opportunity for CRCW to consider the care and support needs of the individual on release, especially likely if the adult has had a care and support plan while they have been in custody.
2. The release preparation meeting should consider:

Care and support needs

Accommodation – see next slide

Health needs

1. If an adult has had a care and support plan while they were in custody then the secure estate will contact the prison local authority, who in turn will contact the adult’s home local authority to arrange to meet the care and support plan on their release and until such a time as a re-assessment can be completed – in line with the portability and cross-border arrangements, see slide 12.
2. If an adult has not had a care and support plan while they were in custody then the review of the resettlement plan will provide CRCW with an opportunity to make a referral for an assessment from the adult’s home local authority on their release.
3. If the adult is likely to become a carer, or resume caring duties, on release from custody the home local authority will need to consider their support needs.
4. If the adult was under the Community Mental Health in-reach Team (CMHT) then NPS / CRCW would make arrangements to transfer the adult to the CMHT working in the community.
5. If health or housing issues are identified then Probation and CRCW need to make referrals to health and local authority housing.
6. The pathway makes it clear how crucial partnership working will be. Note the role of the National Probation Service and Community Rehabilitation Company Wales who must make a critical review of accommodation and if unresolved, they will make a referral to the relevant local authority to trigger a housing assessment under S62 of the Housing (Wales) Act. This referral will use the Prisoner Housing Needs Referral Form. The NPS / CRCW will then review the prisoner’s individual resettlement plan 12 weeks prior to release.

### Activity – Exercise

1. Using the pathway identify and discuss the key opportunities for sharing and partnership work that will be required at each stage to make the process work effectively.
2. Identify the partners and then list key professional expectations from each partner. What will help? What are the main barriers at each stage and what are your ideas for overcoming them?

## Slide 27 - Homelessness pathway

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| Homelessness pathway |
| 1. Prior to custody  * Prevent loss of accommodation if possible  1. Upon reception  * Basic Custody Screening Tool includes housing risk  1. 12 weeks prior to release  * NPS / CRCW review the individual resettlement plan  1. 66 days prior to release  * NPS / CRCW undertake critical review of accommodation  1. 7 days prior to release  * Make offer of suitable accommodation  1. Day of release  * Home local authority can provide relief duties |

### Facilitator Notes

1. This slide shows the Milestones of the National Pathway for Homelessness Services to Adults in the Secure Estate. The pathway is designed to fit into the main pathway, which has already been discussed. Note that a similar pathway has been developed for children and young people.
2. The Housing Act (Wales) 2014 changed the criteria for priority in housing for those coming out of custody. The main requirements are a local connection with housing authority and vulnerable as a result of one of the following:

Served a custodial sentence

Been remanded to custody

Been remanded in youth detention

1. The Housing Act was one of the main drivers behind the recent national pathway for people in the secure estate, ensuring that those in prison had access to meaningful homelessness prevention services. This may not have been the case where the guarantee of temporary accommodation was waiting on release.
2. The focus on priority need is no longer as important. Every person is entitled to help, and the requirement for the local authority to be satisfied whether priority need exists comes right at the end of the journey after other work has been completed.
3. Emergency accommodation (Section 68 Housing Act (Wales) 2014) is still available for people who have no accommodation available to them should the local authority have a reason to believe the person may be eligible, may be homeless, or may have a priority need.
4. Housing and homelessness will be a major issue for many people in custody, and the exclusion on protection of housing may exacerbate this. For young offenders transferring to the secure estate the problem is likely to be worse. For these reasons awareness of the housing pathway and its connection to other duties is extremely important.

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| **Key learning point**  The evidence suggest that housing will be a major issue for large numbers of people being released, and the implications of exclusion from property protection are that effective use of the homelessness and care and support pathways will be key. |

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| Facilitators’ hints and tips  How big a problem is accommodation for those being released from custody? The following data, taken from Ministry of Justice Research Study 3 / 12 indicates that:   * 15% of prisoners in the research sample reported being homeless before custody, as against 3.5% of the general population reporting having ever been homeless * More than two in five prisoners (44%) reported being in their accommodation prior to custody for less than a year. 28% of the sample reported living in their accommodation for less than six months * Nearly two in five prisoners (37%) stated that they would need help finding a place to live when they were released. Of these, 84% reported needing a lot of help * Prisoners who had been sentenced to prison, probation or community orders before were more likely to report needing help finding accommodation when they were released from prison, than those who had not been sentenced before. They were also more likely to have been homeless before entering prison * Prisoners who reported needing help with a drug or alcohol problem were also more likely to report needing help finding a place to live when they leave prison, compared with those who did not report needing help with a drug or alcohol * Three-fifths (60%) of prisoners believed that having a place to live was important in stopping them from reoffending in the future * More than three-quarters of prisoners (79%) who reported being homeless before custody were reconvicted in the first year after release, compared with less than half (47%) of those who did not report being homeless before custody   The risk of homelessness on release also impacts more on some groups than others: The IRISS report number 29 on Prison Leavers and Homelessness (May 2015) was particularly concerned with Scotland but also drew on data and research from England and Wales. It found that:   * Four groups of prison leavers face particular barriers: remand prisoners / those on short sentences; women; young people; those who are homeless on entering prison * Key challenges for prison leavers are: limited accommodation options, location of accommodation and the complexity of needs they may experience   Effective approaches to supporting prison leavers include proactively providing advice and information on housing needs well before release; support after release to help sustain tenancies; working with other agencies and offering practical support first. |

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| **Case study**  Emyr is 29 years old and is serving a three-year prison sentence for seriously assaulting a member of the public during a disturbance on the local housing estate. Prior to being sentenced, Emyr lived in a council owned one bedroom flat in Swansea. Upon reception into the secure setting, Part 1 of the Basic Custody Screening Tool was completed by the prison within 72 hours of Emyr entering the setting and identified that Emyr would be at risk of losing his accommodation as he is not entitled to his property being protected while in custody, and the local authority is not able to maintain his property for the duration of his custodial sentence as there is existing demand and an established waiting list for one bedroom flats in the area.  **Question**   1. What are the next two milestones for reviewing Emyr’s accommodation requirements and who is responsible?   **Suggested answer**   * Milestone 2(ii) – Basic Custody Screening Tool Part 2 (within five days) – completed by National Probation Service / Community Rehabilitation  Company Wales * Milestone 3 – Review of Emyr’s individual resettlement plan to include a review of the prisoner’s accommodation needs (12 weeks prior to release) – completed by National Probation Service / Community Rehabilitation Company Wales   Emyr is due to be released in 11 weeks’ time and at the release preparation meeting, Emyr has stated in his resettlement plan that he would like to return to his home town as he has established relationships with friends and family and is keen to reinstate these on his release. The risk plan prepared by the Probation Service indicates that there is still significant concern from the victim about Emyr’s possible return to the area and it is intended to seek a two-mile exclusion zone licence condition, as well as a no contact requirement with the victim and victim’s family. This may affect housing options as several members of Emyr’s family still live in the area concerned. As Emyr was previously in receipt of local authority housing and has not got sufficient income to secure and maintain private rented accommodation, a referral has been made to the local authority in order for them to undertake a housing assessment as required in the Housing (Wales) Act 2014 (Milestone 4).  **Question**   1. In addition to the housing assessment what additional steps need to take place leading up to and upon Emyr’s release, and within what timescales?   **Suggested answer**   * Milestone 5 – seven days prior to release – make an offer of suitable accommodation, make travel arrangements for his release and consider his priority need status (if necessary) to assess the need for interim accommodation  on release * Milestone 6 – day of release – support Emyr to travel and settle into his new accommodation   Note that the responsible local authority can continue to provide prevention duties and relief duties under the Housing Act if no accommodation has been found prior  to release.  **Question**   1. What information, advice and / or assistance or preventative support could be put in place to help prepare him for resettlement and improve his opportunities to secure and maintain accommodation?   **Suggested answer**   * Promote and support skills and opportunities to improve employability  e.g. training; employment within the prison; support with developing a CV and preparing for interviews; making links with local industries * Multi-agency action / support plan that brings together all the agencies that will support Emyr upon his release * Familiarise Emyr with local agencies in the community he will need to access:  free phone numbers to speak to the agencies prior to his release; encourage  and facilitate visits by the agencies to Emyr in the prison so that he can develop relationships / contacts. The local council should be a definite contact to be established * Identify a dedicated person within the prison to share information about resettlement and preparation for release (hold drop-in sessions / surgeries)  i.e. more than having leaflets available * Develop videos / case studies of prisoners who have successfully been resettled and secured accommodation * Maximise the ability to ‘release on temporary license’ to address the issues above |

## Slide 28

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| Summary |
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## Slide 29 - Summary of responsibilities for adults with care and support needs

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| Summary of responsibilities for adults with care and support needs |
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### Facilitator Notes

1. The responsible local authority has a duty under the Act to assess and meet   
   the care and support needs of an individual at any point during their detention. However, if an individual is in the secure estate there are other considerations, due to the setting, and other responsibilities while they are detained and on release. The responsibilities are summarised in this table, which is based on the national care and support pathway for adults in the secure estate.
2. **Court stage or pre-sentence**, the NPS or the Court Officer will produce a   
   Pre-sentence Report, which is an opportunity to identify if the adult awaiting sentence has any care and support needs. The NPS will need to contact the local authority where the adult has been living to learn the current position. It is also an opportunity to document if an 18- to 24-year-old is a care leaver. The NPS should alert the responsible local authority if the adult appears to have care and support needs, whether they are sentenced or released.
3. On **reception into custody**, secure estate staff will carry out a first night screening and basic custody screening (within 72 hours). Healthcare staff   
   will carry out a preliminary healthcare assessment and a second healthcare assessment (within 72 hours). These screens will provide an opportunity to check if the adult entering custody already has a care and support plan or appears to have needs for care and support. Secure estate and healthcare staff should discuss and agree if a referral for an assessment should be made to the local authority and who will action it.
4. While **in custody**, all prisoners participate in an induction course within their first week, which is managed by the secure estate, but the local authority should provide information about care and support e.g. how to access the information, advice and assistance service and how to self-refer. If notified that an individual within the secure estate is believed to have care and support needs, or has a care and support plan, the local authority must undertake a (re)assessment.
5. **Pre-release**, the CRCW will review the adult’s resettlement plan, including any accommodation needs, which will trigger an opportunity to consider their care and support needs on release and request an assessment on release. Healthcare staff will undertake a health needs assessment, which will be another opportunity to consider the adult’s care and support needs. If necessary CRCW must also make a referral to the relevant local authority to trigger a housing assessment under the Housing (Wales) Act. In addition to the CRCW responsibilities the secure estate staff have a responsibility to notify the sending local authority and that local authority should subsequently contact the receiving local authority.

### Activity – Exercise

1. Get participants into small groups. Ask them to identify and think about the key stages in going into custody through to release and resettlement:

Pre-sentencing stage

Prison reception and induction

Change of circumstances to a prisoner while in prison, for example, emergence of mental health problems

Release and resettlement

1. Plot the different agencies at each stage who will need to contribute and why for example:

Departments of the local authority – note this will be wider than the ‘obvious’ candidates of education, housing and social care

Parts of the NHS

The criminal justice agencies

Any other organisational stakeholders – e.g. third sector agencies

1. Share feedback and have a discussion with the whole group about the implications for planning and change.

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| **Case study**  Doug is a middle aged man who has suffered a heart attack while in custody. He  is part way through his seven-year sentence. Doug is currently being cared for in  a hospital close by the prison and has received sufficient support to enable his recovery and staff are now beginning to consider what arrangements need to be put in place for him upon his return to prison.  **Question**   1. Which agencies need to be working together to develop an integrated care and support plan for Doug and what issues will need to be considered?   **Suggested answer**   * A multi-agency approach is required from health, the local authority, prison staff and probation to consider what Doug’s needs are and how they can be best met * Consideration needs to be given to the risk he poses to staff as well as his own needs * From the local authority perspective, a care and support assessment must be undertaken by the local authority connected with the prison where he was in custody prior to his heart attack, and liaison with the prison staff to consider what modifications are required to facilitate Doug returning to prison post-recovery * He will need support from a variety of health professionals to gradually restore physical fitness so he can resume normal activities. He may need adjustments  to his diet, support to undertake regular exercise, and support to socialise and integrate within prison life to reduce the potential for depression and social isolation |

## Slide 30 - Summary

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| Summary |
| * The setting and procedures may be very different, but the principles and duties in the Act all apply * Being person-centred, promoting well-being, and taking a preventive approach are key principles * Interagency collaboration and partnership working are crucial * Effective planning and preparation for release |

### Facilitator Notes

1. Implementation of the Act will need to take full account of the duties to those in the secure estate, and ensure that local authorities and secure establishments are able to respond appropriately and in a managed way.
2. Are there any changes that are needed, both strategically in your organisation and operationally in your practice, to be fully compliant with the Act?
3. For learning to be transferred into practice and for change to spread, it is important that you:

Reflect on your current knowledge and skills

Identify your learning and development aims

Reflect on how new knowledge relates to your practice

Consider the barriers and enablers to transferring learning into practice

Try out new ways of working in a safe, supportive environment

Identify an action plan showing how you will put learning into practice with support from managers and colleagues

### Activity – Exercise

1. Complete the action plan identifying your top three priorities, how you will review your progress, and any further support you will need.

# Links to Key Resources

## Links to regulations and codes of practice or statutory guidance

[Social Services and Well-being (Wales) Act 2014](http://www.legislation.gov.uk/anaw/2014/4/enacted). This is an Act of the National Assembly for Wales which reforms social services law. It was enacted in May 2014. Its overall aim is to make provision to improve well-being outcomes for people who need care and support, as well as carers. More detailed information is contained in the codes of practice on [Part 3](http://gov.wales/docs/dhss/publications/151218part3en.pdf) and [Part 4](http://gov.wales/docs/phhs/publications/160106pt4en.pdf) (Assessing and Meeting Needs) and [Part 11](http://gov.wales/docs/dhss/publications/151218part11en.pdf) (Miscellaneous and General) of the Act and the [Supplementary Guidance](https://socialcare.wales/hub/hub-resource-sub-categories/secure-estate-assessing-needs) to support the code of practice Part 11 Meeting the needs for those in the Secure Estate.

[National Care and Support Pathway for Adults in the Secure Estate](http://gov.wales/docs/phhs/publications/160218pathwayadulten.pdf). The pathway sets out the key steps (and those responsible at each step) for identifying, referring, assessing and meeting the care and support needs of adults in the secure estate and in planning for and upon their release back to the community.

The following regulations of the Act are also relevant:

[The Care and Support (Assessment) (Wales) Regulations 2015](http://www.legislation.gov.uk/wsi/2015/1305/pdfs/wsi_20151305_mi.pdf)

[The Care and Support (Care Planning) (Wales) Regulations 2015](http://www.legislation.gov.uk/wsi/2015/1335/pdfs/wsi_20151335_mi.pdf)

[The Care and Support (Eligibility) (Wales) Regulations 2015](http://www.legislation.gov.uk/wsi/2015/1578/pdfs/wsi_20151578_mi.pdf)

[The Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015](http://www.legislation.gov.uk/wsi/2015/1499/pdfs/wsi_20151499_mi.pdf)

[Housing (Wales) Act 2014](http://www.legislation.gov.uk/anaw/2014/7/contents) provides details of the new duties on local authorities in respect of providing prevention focused homelessness services, new registration   
and licensing requirements for private sector landlords, powers for local authorities   
to increase council tax charges on second homes, and requirements to meet the accommodation needs of gypsies and travellers.

[Code of guidance to local authorities on the allocation of accommodation and homelessness 2016](http://gov.wales/topics/housing-and-regeneration/services-and-support/managing-social-housing/allocate/?lang=en) is specifically intended to guide members and staff of local authorities, and applies to both their housing and social services functions. When exercising their functions under Part 6 (Allocations) of the Housing Act 1996 and Part 2 (Homelessness) of the Housing (Wales) Act 2014, local authorities must have regard to this guidance.

[Care Act (England) 2014](http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted) – Section 76, prisoners and persons in approved premises, sets out provisions within the Care Act that provide care and support for adult prisoners in the secure estate in England (this includes adults in approved premises and other bail accommodation, as well as people aged over 18 years in young offender institutions, secure children’s homes and secure training centres).

[Legal Aid, Sentencing and Punishment of Offenders Act 2012](http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted) sets out: provision about legal aid; provision about bail and about remand otherwise than on bail; to make provision about the employment, payment and transfer of persons detained in prisons and other institutions; to make provision about penalty notices for disorderly behaviour and cautions; and to among other duties, to amend Section 76 of the Criminal Justice and Immigration Act 2008 (self-defence). Section 104 designates that a child who is remanded to youth detention accommodation is to be treated as a child who is looked after by the designated authority.

[Criminal Justice and Immigration Act 2008](http://www.legislation.gov.uk/ukpga/2008/4/contents) sets out: further provision about criminal justice (including provision about the police) and dealing with offenders and defaulters; to make further provision about the management of offenders; to amend the criminal law; and among other duties, makes further provision for combatting crime and disorder.

[The Offender Rehabilitation Act 2014](http://www.legislation.gov.uk/ukpga/2014/11/contents/enacted) extends statutory supervision in England and Wales to around 50,000 offenders with sentences of less than 12 months. These offenders will serve their whole sentence in a resettlement prison.

[Policing and Crime Act 2009](http://www.legislation.gov.uk/ukpga/2009/26/contents) extends the mandate to formulate and implement a strategy to reduce reoffending to local authorities as a ‘responsible authority within Community Safety Partnerships (CSPs)’. This duty requires local areas to fully understand offender profiles, the ways in which services can address the needs of offenders and critically, where resources should be targeted to achieve a reduction   
in reoffending.

## Useful links to other materials

[Access to Justice](http://www.wales.nhs.uk/sitesplus/documents/888/Published%20version%20-%20Access%20to%20Justice.pdf) is a multi-agency guidebook supporting the responsive and appropriate management of adults with a learning disability in the criminal justice system in Wales published in 2013. It is intended to support commissioners, planners and practitioners across health, social care and criminal justice services in Wales in improving service provision.

Age UK (2011) [Supporting older people in prison: ideas for practice](http://www.ageuk.org.uk/Documents/EN-GB/For-professionals/Government-and-society/Older%20Prisoners%20Guide_pro.pdf?dtrk=true) provides a useful resource to commissioners seeking to address the needs of older people in prison, in particular their social needs and preparation for release.

[The Butler Trust](http://www.butlertrust.org.uk/) recognises, celebrates, develops and shares good practice by people working in prisons, probation, and community and youth justice, across   
the UK. Its website hosts an online good practice sharing platform, including a searchable directory of good practice and related publications from a wide range   
of sources.

Criminal Justice Together (2015) [A Common Sense Approach to Working with Defendants and Offenders with Mental Health and Well-being Needs](http://www.good-practice.net/wp-content/uploads/2015/12/Together-Mental-Health-report.pdf) is a guide to help criminal justice professionals play their part in recognising and responding to vulnerable individuals – particularly to support their diversion away from custody settings when appropriate.

Co-Production Wales’s [Putting Co-production at the Heart of Public Services in Wales](https://allinthistogetherwales.wordpress.com/). A values-led social enterprise, operating as a voluntary alliance of individuals and organisations with a shared mission to build on the best of Welsh traditions of co-operation and community networking. They offer training and consultancy for organisations that are transitioning to a co-productive way of working.

Dewis Cymru [What Matters to You?](http://www.dewis.wales/). The Dewis Cymru website aims to help local people by providing quality information, advice and assistance service from a network of social care, health and third sector organisations across Wales.

Information and Learning Hub *Working with People in the Secure Estate* – available at http://www.ccwales.org.uk/learning-resources-1/the-act/working-with-people-in-the-secure-estate/ (accessed at 16 February 2017). Resources designed to support your understanding of the secure estate and the duties placed on local authorities under the Act with regard to adults and children.

IRISS (2012) [Strengths-based Approaches for Working with Individuals](http://www.iriss.org.uk/resources/strengths-based-approaches-working-individuals) provides an overview of the research evidence on effective strengths based approaches for working with individuals and presents selected illustrative examples.

IRISS (2015) [Prison Leavers and Homelessness](http://www.iriss.org.uk/resources/prison-leavers-and-homelessness) looks at the relationship between homelessness and offending, the impact of prison, and messages for practice.

Mental Health Foundation (2013) [Losing Track of Time: Dementia and the Ageing Prison Population – Treatment Challenges and Examples of Good Practice](https://www.mentalhealth.org.uk/publications/losing-track-time) is a report that scopes existing research on treating and managing male offenders with cognitive impairment to identify and share examples of good practice employed by a handful of prisons around the globe.

Nacro (2010) [Resettling Prisoners with Mental Health Needs or a Learning Disability](http://socialwelfare.bl.uk/subject-areas/services-activity/criminal-justice/nacro/138070resettling-prisoners-mh-needs-10-948.pdf) is a guide aimed at a wide range of practitioners working with offenders with mental health needs or a learning disability who have either been released from prison   
or are preparing for release. It is intended to provide advice and guidance on resettlement issues, not just for resettlement practitioners, but also for the wider multidisciplinary teams who work with this often complex group.

Prison Reform Trust (2008) [Doing Time: Experiences of Older People in Prison](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Doing%20Time%20the%20experiences%20and%20needs%20of%20older%20people%20in%20prison.pdf) is a briefing on the experiences of older people in prison and considers healthcare, social care, sentence progression, regimes, the prison environment, relationships and resettlement.

Social Services Improvement Agency (2015) [Creating Change: An E-Resource Guide to the Changes Required by the Act](http://www.ssiacymru.org.uk/home.php?page_id=8596). A resource that will develop over time that articulates the vision underlying the Act and describes the behaviours across   
the whole system needed to deliver the vision.

Think Local Act Personal [Personalised Care and Support Planning](http://www.thinklocalactpersonal.org.uk/personalised-care-and-support-planning-tool/). An online tool designed to inform and guide leaders, commissioners, planners, clinicians and practitioners through designing and delivering personalised care and support planning for people with a variety of health and social care needs. This is done through a series of case study scenarios.

The United Nations [Principles for Older Persons](http://www.olderpeoplewales.com/en/about/un-principles.aspx) were adopted by the UN General Assembly (Resolution 46/91) on 16 December 1991. Governments were encouraged to incorporate them into their national programmes whenever possible. There are   
18 principles, which can be grouped under five themes: independence, participation, care, self-fulfilment and dignity.

The United Nations [Convention on the Rights of Persons with Disabilities (UNCRDP)](http://www.equalityhumanrights.com/about-us/our-work/human-rights/international-framework/un-convention-rights-persons-disabilities) is the first human rights treaty of the 21st century. It reaffirms disabled people's human rights and signals a further major step in disabled people's journey to becoming full and equal citizens.

United Nations Office on Drugs and Crime (2009) [Handbook on Prisoners with Special Needs](https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Special_Needs.pdf) covers the special needs of eight groups of prisoners, which have   
a particularly vulnerable status in prisons. They are: prisoners with mental health care needs; prisoners with disabilities; ethnic and racial minorities and indigenous peoples; foreign national prisoners; lesbian, gay, bisexual, and transgender (LGBT) prisoners; older prisoners; prisoners with terminal illness; and prisoners under sentence of death.It is designed to be used by all involved in the criminal justice system and can be used in a variety of contexts, both as a reference document and as a training tool.

The [Wales Reducing Reoffending Strategy: 2014-2016](https://www.gov.uk/government/publications/wales-reducing-reoffending-strategy-2014-2016) provides a vehicle through which collaborative working can be enhanced, thereby ensuring resources can be targeted to their maximum effect. A key objective within the strategy is to put in place measures to ensure all offenders have access to health and social care services appropriate to their needs.

Welsh Government (2014) [Policy Implementation Guidance: Mental Health Services for Prisoners](http://gov.wales/docs/dhss/publications/140516PrisonMentalHealth-policy-guidanceen.pdf) sets out a vision for mental health services for prisoners and identifies some issues that will need to be addressed to get there.

Youth Justice Board [Youth to Adult Transitions Principles and Guidance for Wales](https://www.gov.uk/government/publications/youth-to-adult-transition-principles-and-guidance-for-wales) has been created to reflect the need to focus on young people and adults as a specific group and to improve the transition between youth offending teams (YOTs) and the National Probation Service (NPS).

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This publication is also available in other versions, including as a pdf. Further copies of this document and other Care Council resources about the Social Services and Well-being (Wales) Act are available to download from the [Information and Learning Hub](https://socialcare.wales/hub/resources)

1. Prison Reform Trust (2004) [Alcohol and Reoffending](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Alcohol%20briefing.pdf) – Who Cares? [↑](#footnote-ref-1)
2. Adam Moll (2013) Losing Track of Time – Dementia and the Ageing Prison Population: Treatment Challenges and Examples of Good Practice. Mental Health Foundation. [↑](#footnote-ref-2)
3. Prison Reform Trust (2007) [No One Knows](http://socialwelfare.bl.uk/subject-areas/services-client-groups/adult-offenders/prisonreformtrust/1508352007_no_one_knows.pdf): Offenders with Learning Difficulties and Learning Disabilities. [↑](#footnote-ref-3)