

# Care Act Bulletin

Edition 17

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Welcome to the seventeenth edition of the Care Act Bulletin. This is a series of Bulletins which have been produced to provide an outline of the key elements in the Care Act, to prompt thinking about how these changes may impact on your organisation and what opportunities it may bring. Each bulletin will cover a chapter in the Care Act Guidance issued by the Department of Health. Links to the guidance and relevant fact sheets are detailed at the end of the bulletin.

## PRISONS, APPROVED PREMISES AND BAIL ACCOMMODATION

There are no prisons, approved premises, bail accommodation, secure children units or secure training centres within the North Yorkshire boundaries.

The Care Act makes it clear that wherever these premises are situated it is the relevant Local Authority that is responsible for carrying out assessments, providing information, guidance etc., for people with care and support needs within these premises.

Section 117(3) of the Mental Health Act 1983, as amended by the Care Act 2014, will apply in determining which local authority is responsible for commissioning or providing the Section 117 after-care.”

Local authorities will be responsible for the continuity of care for offenders with a package of care coming into their area on release from prison. The prison where the person is detained should inform the local authority in which area the prison is located, who should then inform the local authority relevant to the area to where the person is moving. We'll refer to this local authority as the receiving authority for the purposes of this bulletin.

The receiving authority should assess the individual before they are moved, but this may not always be possible as the receiving authority could be informed of the transfer at short notice. In such circumstances the receiving authority must continue to meet the care and support needs, of the individual, that the first authority was meeting. The authority must continue to meet these needs until its own assessment has been carried out.

Local authorities should start from a presumption that offenders remain ordinarily resident in the area in which they were ordinarily resident before the start of their sentence.

The probation provider (National Probation Service or Community Rehabilitation Company) and the local authority providing care and support should initiate joint planning in advance of the release of the offender. Early involvement of all agencies, particularly providers of probation services, should ensure that the resettlement plan is sustainable in the local authority area where the individual will reside.

Prisons and probation services should support assessment and care and support planning for those offenders who will require care and support services on their release from prison.

**Continuity of care for any of their residents moving into custody.**

A local authority should share details of the most recent assessment and care and support plan to the relevant custodial setting and the local authority in which it is based so that care and support may continue.

Useful links: Transforming Rehabilitation <https://www.gov.uk/government/policies/reducing-reoffending-and-improving-rehabilitation/supporting-pages/transforming-rehabilitation>

National Offender Management: <https://www.gov.uk/government/organisations/national-offender-management-service/about>

You can view the Department of Health Care Act Guidance by visiting:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_2390277\\_7\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_2390277_7_Care_Act_Book.pdf)

The factsheet regarding general responsibilities is available on:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366080/Factsheet\\_1\\_-\\_General\\_responsibilities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf)