



Llywodraeth Cymru
Welsh Government



Rheolwyr Timau Troseddu Ieuenctid Cymru
YOT Managers Cymru



Youth Justice Board
Bwrdd Cyfiawnder Ieuenctid

**Guidance for the joint working arrangements between
Youth Offending Teams and Local Authority Children's
Services, arising from the Social Services and Well-
Being (Wales) Act 2014, in respect of children and young
people in custody.**

1. Introduction

- 1.1 The responsibilities of the youth offending team¹ (YOT) are defined by the Crime and Disorder Act 1998, the Youth Justice and Criminal Evidence Act 1999, the Powers of the Criminal Courts (Sentencing) Act 2000, the Criminal Justice and Police Act 2001, the Criminal Justice and Immigration Act 2008 and the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012. The principal aim of the youth justice system is the prevention of offending and re-offending by children and young people.
- 1.2 The responsibilities of local authority children's services are primarily determined in Wales by the Social Services and Well-being (Wales) Act 2014, which sets out the requirements for the provision of services to children with care and support needs, children in need of accommodation, children who require protection and children and young people who are looked after by local authorities. Various parts of the Act make specific reference to children and young people in the youth justice system. These include Part 4 (Meeting Needs); Part 6 (Looked After and Accommodated Children), which relates to looked after children placed in secure accommodation, care leavers in the youth justice system, children detained in, or remanded to the secure estate; and Part 11 (Miscellaneous and General) which covers children with care and support needs in youth detention accommodation, prison, approved premises and bail accommodation.
- 1.3 The aim of this protocol is to ensure that staff in YOTs and children's services work together effectively in the discharge of their specific duties towards children and young people to meet their needs and to support their reintegration and resettlement.
- 1.4 The Welsh Government and Youth Justice Board Cymru's joint youth justice strategy, *Children and Young People First*² stresses the importance of partnership working to ensure that children and young people in the youth justice system are adequately supported and assisted to prevent offending. This objective is in line with the Welsh Government's commitment to the realisation of a children's rights based approach in Wales so that actions undertaken by respective agencies are in the best interests of children and young people.
- 1.5 The guidance is aimed at those working in the secure estate providers, local authority children's services and YOTs. The guidance sets out the statutory responsibilities of relevant agencies and good practice guidelines.

¹ YOTs are called by different names in various parts of Wales; for example, youth offending services and youth justice services. This document refers to them as YOTs which remains the statutory definition under the Crime and Disorder Act 1998.

² Welsh Government/YJB (2014) *Children and Young People First* Cardiff: Welsh Government

2. Underlying Principles

2.1 The principle aim of this guidance is to ensure that children and young people in custody receive the services they are entitled to. This will be achieved by:

- Defining the roles of children's services and YOTs to ensure clarity of purpose and responsibility.
- Providing guidance for staff in both services about the sharing of information and the processes of referral between the services.
- Setting out a joint planning process for individual cases through discussions between children's services and YOT staff.

3. Exchange of Information

3.1 In order for YOTs and children's services to work effectively, there must be clear and efficient arrangements for the exchange of information following the receipt of referrals.

3.2 All exchanges of information between YOTs and children's services must conform to the requirements of local information sharing protocols, data protection requirements and the Wales Accord for the Sharing of Personal Information (WASPI)³.

3.3 This guidance is not intended to be prescriptive about who fulfils what function, but to provide a basis for where discussions between services need to be held. In cases where there is dual involvement, and the YOT has a statutory role with the child/young person, the children's services social worker and YOT case manager will agree the most appropriate way of joint planning any work (and subsequent reviews), with the child/young person and their family and will clarify and confirm their roles and responsibilities. The planning and review processes common to YOTs and children's services should be aligned wherever possible

3.4 YOT administrators will record when a YOT intervention is opened and closed on the relevant case management databases, the nature of the YOT intervention, and who the case manager is.

3.5 YOTs should have a protocol that sets out the wider joint working arrangements between YOTs and children's services. This should specify how the responsibilities and specific functions laid out in legislation will be met, including the Social Services and Well-being (Wales) Act 2014.

³ <http://www.waspi.org/Documents/702/WASPI%20ISP%20Guidance%20Final%20V4%20May13.pdf>

4. Assessments

- 4.1 YOTs and children's services have to work to their own specific assessment requirements and timescales.
- 4.2 YOT staff utilise the *AssetPlus*, the YJB approved assessment tool.
- 4.3 Local authority children's services undertake assessments in accordance the statutory codes of practice under the Social Services and Well-being (Wales) Act 2014, particularly Part 3 (Assessing the needs of individuals) and Part 6 (Looked after and accommodated children).
- 4.4 All assessments include the need to seek and receive information from other agencies or services that have knowledge of a child/young person and/or their family/carers. In order to meet the required timescales, it is necessary for YOTs and children's services to ensure the efficient transfer of relevant information between the two services, including the exchange of their specific assessments.

5. Remand Placements

- 5.1 Case responsibility for looked after children will always remain with a social worker from the child's home local authority, which continues to be the child's corporate parent.
- 5.2 Where children/young people are remanded to the care of the local authority or secure accommodation, or are bailed to reside as directed by the local authority, the local authority will complete the required documentation for looked after children. The responsible local authority will be the authority where the child is ordinarily resident. The YOT case worker may have significant prior involvement or history of the child/young person and will be able to contribute and assist in providing relevant information.
- 5.3 Where a child/young person is made the subject of a secure remand, they automatically become a looked after child for the period of remand (as determined by the LASPO Act 2012). In the event of a child/young person being securely remanded then the following will apply:
 - The YOT will notify children's services in the child's home local authority of a potential remand as soon as it becomes apparent.
 - If the child or young person at risk of remand is already known to children's services then the YOT will liaise directly with the named case worker/social worker/team.

- If a child/young person is not known to children's services then the YOT will make a referral to children's services via the intake/duty team for immediate allocation of the case.
- The YOT worker will assist, but not be responsible for the completion of relevant looked after children paperwork. This will remain the responsibility of children's services.
- The YOT will advise children's services of where the child/young person is placed and who they need to contact in the establishment.
- A detention placement plan will be completed within 10 working days (see section 7).

5.4 The initial remand meeting is held within five days. The purpose of this meeting is to agree the programme of work the child/young person will undertake during their time in youth detention accommodation, for example, their access to education and interventions that are to be delivered. The programme of work should be derived from the *Asset Plus* assessment. A representative from children's services should be present as bail options will be considered, which may require accommodation in the community.

5.5 The initial review meeting for a looked after child takes place within 20 days and consideration should be given to aligning this with subsequent remand meetings (which are reviewed on at least a monthly basis) and to hold them at the same time.

6. Custodial Sentences

6.1 Children's services social workers will hold case responsibility for children who continue to be looked after whilst they are in custody. These will be children or young people who are subject to a care order, for whom the local authority remains the corporate parent. In these circumstances the social worker will work jointly with the YOT case manager responsible for supervising the child / young person whilst they are in custody and on licence. Every looked after child has a care and support plan under Part 6 of the Social Services and Well-being (Wales) Act 2014.

6.2 An allocated social worker from the responsible local authority must visit looked after children within one week of them being detained. The purpose of the visit is to keep in touch with the child/young person to assess their needs and to maintain an up to date care and support plan. The local authority will continue to have a duty to visit, have contact with, and arrange appropriate advice and other support for these children under the Care Planning, Placement and Case Review (Wales) Regulations 2015. Children who lose their looked after status when they have been convicted and detained (i.e. those who were voluntarily accommodated under section 76 of the Social Services and Well-being (Wales) Act 2014, or who were

treated as being looked after under LASPO 2012) must also be visited (see section 8 below).

- 6.3 Young offender institutions have a designated onsite social worker. The primary role of the social worker is to identify looked-after children (and care leavers) and to liaise with their home authorities to ensure that young people receive the visits and support they are entitled to.
- 6.4 In Wales, the onsite social worker in Parc YOI also has a role in identifying whether children and young people who are not looked after, have care and support needs, and if so, to make a referral to children's services for an assessment of need.
- 6.5 YJB case management guidance (section 7: custody and resettlement) advises that planning meetings and care reviews should continue throughout the sentence, and be scheduled in line with the statutory custody review meetings so that the planning aligns.
- 6.6 The children's services social worker must visit the child or young person sufficiently frequently to monitor their safety and wellbeing, ensure that they can communicate any concerns and that resettlement planning is completed.
- 6.7 At an initial sentence planning meeting (held within 10 days), a training plan will be agreed, which addresses the objectives to be achieved during the custodial and supervised parts of the custodial sentence. Where the child / young person continues to be a looked after child, their social worker should be invited to this meeting. The training plan must describe the contribution that each agency involved with the child/young person will make in meeting identified objectives, when and how services will be delivered in the secure establishment and the arrangements for resettlement. The plan must be reviewed at least once every three months.
- 6.8 If, prior to a custodial sentence, a child/young person is on the child protection register or is receiving services to meet their care and support needs, they may require care and support whilst in custody and on their release from it. Close planning between the custodial establishment, children's services social worker, the secure establishment and the YOT case manager will be required throughout the sentence to ensure that appropriate plans and support are in place during the custodial period and when the child/young person is released.
- 6.9 If a child/young person is to be transferred to the adult estate to complete their sentence, the children's services social worker must continue to be involved in the transition planning and provide ongoing leaving care entitlements.

7. Detention Placement Plans for remanded and sentenced young people

7.1 There is a requirement to produce a Detention Placement Plan (DPP) ⁴ by a representative from the local authority within 10 days:

- where a child/young person is treated as looked after as a result of being remanded to local authority accommodation, or
- where the child/young person was already a looked after child immediately before being remanded. In this instance the DPP must be included in their care and support plan under Part 6 of the Social Services and Well-being (Wales) Act. The independent reviewing officer must be notified of the child/young person's change of circumstance.

A copy of the Part 6 care and support plan/detention placement plan must be given to and signed by the director, governor or registered manager of the prison or youth detention accommodation⁵.

7.2 The DPP⁶ should identify how the young person will be cared for and safeguarded on a day to day basis, whilst in custody and how the establishment will meet their needs. The plan should set out the arrangements for:

- Health and dental care;
- Education and training, including the education establishment prior to custody and details of any Special Educational Needs/Additional Learning Needs, (and which local authority holds these details);
- Developing self-care skills;
- How well-being will be safeguarded and promoted when the remand/sentence ends;
- Whether accommodation should be provided when the remand/detention ends; and
- Whether any other services are required from the local authority.

The DPP should specify the contact arrangements with parents and carers, any order under the Children Act 1989 and details of the child's independent visitor/Independent Reviewing Officer/Personal Adviser. It should also stipulate what the future visits arrangements will be.

7.3 The YJB's case management guidance (section 3: manage bail and remands) suggests that because all children and young people remanded to youth detention accommodation automatically achieve looked-after

⁴ See also page 25 of Part 6 Code of Practice (Looked After and Accommodated Children).

⁵ Page 25 Part 6 Code of Practice (Looked After and Accommodated Children).

⁶ Schedule 10 Care Planning Placement Case Review (Wales) 2015 sets out the matters to be dealt with in the DPP

status (see below) that a single DPP is developed, rather than separate sentence planning and looked-after children's plan.

- 7.4 Children who are sentenced to custody following a remand and who remain looked after, will continue to have a DPP. Planning meetings and care reviews should continue throughout the sentence, and should be scheduled in line with the statutory custody review meetings so that the planning aligns

8. *The Visits to Children in Detention (Wales) Regulations 2015*

- 8.1 The Visits to Children in Detention (Wales) Regulations 2015 (VTCD) specify the categories of children/young people (other than those currently looked after) that the local authority has a duty to visit. The aim is to ensure that every child in detention is visited by a local authority representative regardless of their legal status.

- 8.2. This includes children/young people who are convicted of an offence by a court, who are sentenced to custody, but lose their looked after status because:

- Immediately before being convicted and detained, they were a looked after child by virtue of a local authority in Wales providing them with accommodation under section 76 of the Act, or
- They were ordinarily resident in Wales and were treated as a looked after child in accordance with section 104 of the LASPO Act 2014, by virtue of being remanded.

The loss of looked after status means that the local authority is no longer required to visit them under part 5 of the Care Planning, Placement and Case Review (Wales) Regulations 2015. The VTCD regulations are intended to ensure that local authorities continue to have a duty to visit these children/young people and to clarify which local authority is responsible.

- 8.2 The VTCD regulations also apply to children and young people who have not had looked after status prior to being sentenced to custody and who ordinarily reside in Wales. In these instances, the home local authority (in Wales) in which the child normally resides, has a duty to visit, irrespective of whether the child/young person is in custody in Wales or in England.

- 8.3 The regulations also apply to certain children⁷ from England placed in Wales, in which case the duty to undertake the VTCD⁸ is on the local

⁷ Exceptions are children in the care of the local authority in England, those who were looked after children in England immediately prior to being detained, or to any child who is a 'relevant child' under the Children Act 1989.

authority in Wales in which the secure establishment is located and the young person is placed.

- 8.4 The purpose of the VTCD is to ascertain whether the child/young person's well-being is adequately being safeguarded and promoted whilst in detention and how it will be promoted on release e.g. through the provision of necessary accommodation or other services provided by the local authority⁹.
- 8.4 Young people must be visited by a representative of the local authority within 10 days of being detained. The representative will determine the frequency of future contact, considering the views of the child/young person and their parents/carers. They must speak to the child/young person in private and provide a report on each visit. The report must include:
- An assessment of whether the child/young person's well-being is being adequately promoted and safeguarded.
 - Recommendations for the timing and frequency of visits.
 - Anything that needs to be put in place to safeguard the child/young person and promote family contact.
 - How well-being will be safeguarded and promoted on release, in particular where there is likely to be an accommodation or any other need.

The representative should provide advice and support to the child/young person as necessary.

- 8.5 The local authority representative should determine the format of the report, which should align to the sentence plan. They must provide a copy of it to the child/young person and their parents, unless it is inappropriate to do so; the governor or registered manager of the institution where the child is residing; the relevant YOT case manager; the local authority where the child is detained; and any other person the child's local authority considers should have a copy.
- 8.6 In terms of meeting this duty:
- The home YOT should be asked in the sentencing planning meeting if they are representing the local authority and fulfilling the VTCD function. If the home YOT is not, it is the responsibility of the secure establishment (in a YOI through the onsite social worker) to make enquiries of the home Welsh local authority and to establish how this duty will be fulfilled.

⁸ This will be Bridgend for young people in Parc YOI and Neath Port Talbot for Children Hillside Secure Children's Home

⁹ See also page 67 of Part 6 Code of Practice (looked After and Accommodated Children)

- If the young person has been placed from England, there must be an initial meeting with the child/young person, which could be conducted by the onsite social worker (for a YOI). If there are likely to be care and support needs, the case should be referred for an assessment to children's services in the authority in which the secure establishment is located.

9. Meeting care and support needs whilst in custody

- 9.1. Local authorities have a duty to respond to children and young people in custody in the same way as those in the community, should care and support needs become evident whilst the child/young person is detained. The Code of Practice under Part 11 of the Social Services and Well-being (Wales) Act sets out the requirements in this respect.
- 9.2. The duty falls on the local authorities where the child/young person is ordinarily resident. English and Welsh local authorities share responsibility when the child/young person is detained outside of Wales and agree who takes primary responsibility for meeting those needs. This should be set out in a memorandum of understanding between the two local authorities¹⁰.
- 9.3. Local authorities with a secure establishment in their boundaries are required to establish a memorandum of understanding between the local authorities, NOMS¹¹/YJB and the secure estate facility, setting out how care and support arrangements will be delivered in the secure establishment¹².
- 9.4 The secure establishment should:
- Specify how it will deliver preventative services;
 - Specify what information, advice and assistance it will provide to children and young people; and
 - Ensure that assessments of care and support needs are undertaken.

This should be on induction and throughout the duration of the sentence and placement in the secure establishment.

- 9.5 The National Care and Support Pathway for Children and Young People in the Secure Estate sets out how YOTs, local authorities and the secure estate can work together to ensure that those with care and support needs are able to access assessments in the same way as a child/young person living in the community. If needs are assessed as eligible, the relevant local authority will put in place a care and support plan which sets out how the needs will be met.

¹⁰ See page 9 of Part 11 Code of Practice (Miscellaneous and General)

¹¹ Now known as Her Majesty's National Prison and Probation Service

¹² See page 13 of Part 11 Code of Practice (Miscellaneous and General)

- 9.6 YOT case managers and secure estate staff need to know how to make a referral to children's services for a care and support assessment.

10. Release from custody – young people with looked after status

- 10.1. Effective reintegration and resettlement relies on there being continuity of planning, clear communication with the agencies and individuals involved, following through agreed actions within agreed timescales and having a clear exit strategy.
- 10.2. Children's services social workers will continue to hold case responsibility for looked after children, and the YOT case manager will be responsible for supervising the young person for the community element of their custodial sentence. Children's services will also have responsibilities towards children and young people who have ceased to be looked after (see chapter 5 of the Part 6 Code, sections 532 to 539, which relates to care leavers in custody).
- 10.3. The YOT case manager will continue to be an integral part of the reviewing and planning processes for looked after children, for the duration of time they are on a criminal court order, and should be invited to contribute to reviews for looked after children.
- 10.4. YOTs and children's services must be aware of the interventions and support being offered by each other's services. Children's services should be provided with details of the particular requirements of any statutory criminal court orders, and the YOT should be aware of any specific issues in the care and support plan that might affect the way in which the child/young person is worked with. Each agency should contribute to each other's reviews of young people's progress.

11. Closure of Cases at the end of community supervision

- 11.1 Where YOTs and children's services are involved with a child/young person, each agency is responsible for informing the other in writing when they are closing the case.
- 11.2 Where case closure is anticipated, a liaison meeting should take place between YOT and children's services staff. Exit strategies from statutory orders should be known and shared at this point. When children/young people are no longer subject to a statutory criminal order, the YOT has no statutory right to maintain its involvement other than in a voluntary capacity. This can be where there is a continued need to prevent further offending and the young person and family accept the support offered.
- 11.4 Where a child/young person is receiving care and support under Part 4 of the Social Services and Well-being (Wales) Act, it is not appropriate for a case to be closed by children's services purely because the YOT is

involved with the child/young person. Section 126 of Part 4 (Code of Practice (Meeting Needs)), states that a care plan must not be closed while a young person is known to the YOT.

Additional Information

This section contains references to various sources of information cited in this document.

Social Services and Well-being (Wales) Act 2014 Information and Learning Hub

<http://www.ccwales.org.uk/getting-in-on-the-act-hub/>

<http://www.ccinform.co.uk/legislation/the-care-planning-placement-and-case-review-wales-regulations-2015-s-i-20151818/schedule-10-matters-to-be-dealt-with-in-the-detention-placement-plan-provided-for-by-regulations-5-and-58/>

The Care Planning, Placement and Case Review (Wales) Regulations 2015 <http://www.legislation.gov.uk/wsi/2015/1818/schedule/10/made>

The Visits to Children in Detention (Wales) Regulations 2015

The National Care and Support Pathway for Children and Young People in the Secure Estate

<http://gov.wales/docs/phhs/publications/160218pathwaychildren.pdf>

The National Standards for Youth Justice Services

<https://www.gov.uk/government/publications/national-standards-for-youth-justice-services>

YJB case management guidance: part three - bail and remand case management <https://www.gov.uk/government/publications/manage-bail-and-remand/manage-bail-and-remands-section-3-case-management-guidance>

YJB case management guidance: part seven - Custody and resettlement case management guidance

<https://www.gov.uk/government/publications/custody-and-resettlement/custody-and-resettlement-section-7-case-management-guidance>

Appendix One: Schedule of Plans for Children and Young People in Custody

Name of Plan	Timescale for plan	Purpose of Plan	Responsibility	Origin
Initial Remand Plan (Remand only)	Within five days	To agree the programme of work the child/young person will undertake during their time in youth detention accommodation.	YOT and secure establishment. It is recommended that the young person's allocated social worker attends.	YJB case management guidance – <i>Manage bail and remands section 3 case management guidance</i>
Subsequent remand plans (Remand only)	To be reviewed on at least a monthly basis	To review/amend the programme of work to be undertaken by the child/young person whilst on remand.	YOT and secure establishment. It is recommended that the young person's allocated social worker attends.	YJB case management guidance – <i>Manage bail and remands section 3 case management guidance</i>
Part 6 (Looked After Child) Care and Support Plan (Remand)	Within five working days of the child being remanded	To assess the welfare of children and young people who become looked after when remanded to custody.	An allocated social worker from the local authority in which the child/young person is ordinarily resident.	Care Planning, Placement and Case Review (Wales) Regulations 2015
Custodial Sentence Plan (Sentenced only)	An initial planning meeting within 10 days of the custodial sentence being given	To agree what work and interventions will be provided to the child/young person whilst in custody and to start preparing for resettlement.	YOT case manager and secure estate, plus the allocated social worker	YJB case management guidance – <i>Custody and resettlement section 7 case management guidance</i>
Custodial Sentence Review Meetings (Sentenced only)	At least once every three months	To review any new information/changes in circumstances since the previous meeting and progress made against the sentence plan.	YOT case manager and secure estate, plus the allocated social worker	YJB case management guidance – <i>Custody and resettlement section 7 case management guidance</i>

<p>Detention Placement Plan (Remand and Sentenced)</p>	<p>Within 10 days</p> <p><i>(For those who become a looked after child as a result of being remanded; where the child/young person was looked after immediately before the remand or sentence)</i></p>	<p>This will be to maintain and update an existing Part 6 (Looked After Child) care and support plan.</p> <p>The plan should identify how the young person will be cared for and safeguarded on a day to day basis, whilst in custody.</p>	<p>Compiled by a representative from the local authority</p>	<p>The Care Planning, Placement and Case Review (Wales) 2015</p> <p>YJB case management guidance (<i>Manage bail and remands section 3</i>) recommends that a single detention and placement plan is developed instead of a separate sentence plan and looked after child documentation.</p>
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Appendix Two: Visits to Children in Detention

<p>Visits to Children in Detention (Sentenced)</p>	<p>Within 10 days of being detained</p> <p><i>(For formerly looked after children, who lost their looked after status as a result of being detained, all young people who are normally ordinarily resident in Wales, who were not formerly looked after and certain children from England – exceptions are those in the care of the local authority, or who were looked after immediately prior to detention or a relevant child under the Children Act 1989)</i></p>	<p>The purpose of the visit is to ascertain <i>whether the child's wellbeing is adequately being safeguarded and promoted whilst in detention/approved premises</i> and how it will be promoted on release.</p>	<p>By a representative of the local authority</p>	<p>The Visits to Children in Detention (Wales) Regulations 2015</p>
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Appendix Three: Responsibilities for visiting and supporting children in detention¹³

Description of the Child	Responsible authority and relevant legislation
A child who is in the care of the local authority in Wales, detained in Wales	The local authority in Wales which cares for the child <i>The Care Planning, Placement and Case Review (Wales) Regulations 2015</i>
A child who is in the care of the local authority in Wales, detained in England	The local authority in Wales which cares for the child <i>The Care Planning, Placement and Case Review (Wales) Regulations 2015</i>
A child who is in the care of the local authority in England, detained in England	The local authority in England which cares for the child <i>The Care Planning, Placement and Case Review (Wales) Regulations 2015</i>
A child who was looked after by a local authority in Wales under section 76 of the Social Services and Well-being (Wales) Act 2014, immediately before being convicted and detained, and who is detained in Wales.	The local authority in Wales which was looking after the child. <i>The Visits to Children in Detention (Wales) Regulations 2015</i>
A child who was looked after by a local authority in Wales under section 76 of the Social Services and Well-being (Wales) Act 2014, immediately before being convicted and detained, and who is detained in England.	The local authority in Wales which was looking after the child. <i>The Visits to Children in Detention (Wales) Regulations 2015</i>
A child who was looked after by a local authority in Wales under section 20 of the Children Act 1989, immediately before being convicted and detained, and who is detained in Wales.	The local authority in England which was looking after the child. <i>The Looked After Children in Detention (England) Regulations 2010.</i>

¹³ Taken from the Part 6 Codes of Practice – Looked After and Accommodated Children

<p>A child who was ordinarily resident in Wales and who was treated as a looked after child in accordance with section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and who is detained in Wales.</p>	<p>The local authority in Wales which was looking after the child. <i>The Visits to Children in Detention (Wales) Regulations 2015</i></p>
<p>A child who was ordinarily resident in Wales and who was treated as a looked after child in accordance with section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and who is detained in Wales.</p>	<p>The local authority in Wales which was looking after the child. <i>The Visits to Children in Detention (Wales) Regulations 2015</i></p>
<p>A child who was ordinarily resident in Wales and who was treated as a looked after child in accordance with section 104 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and who is detained in Wales.</p>	<p>The local authority in England which was looking after the child. <i>The Looked After Children in Detention (England) Regulations 2010.</i></p>
<p>A 'category 2' young person i.e. a 16 or 17-year-old care leaver, detained in Wales or in England¹⁴</p>	<p>The local authority in Wales which last looked after the young person. <i>The Care Leavers (Wales) Regulations 2015</i></p>
<p>A 'relevant child' for the purposes of section 23A of the Children Act 1989 [applies to England only], who is detained in Wales</p>	<p>The local authority in England which last looked after the young person. <i>The Care Leavers (England) Regulations 2015</i></p>
<p>A child who is not ordinarily resident in Wales, who does not fit any of the above descriptions, but who is detained in Wales.</p>	<p>The local authority in Wales where the youth detention accommodation, prison or approved premises is situated.</p>

¹⁴ See page 81 of the Social Services and Well-being (Wales) Act 2014: Part 6 Code of Practice (Looked After and Accommodated Children), for full definition

Appendix Four: Responsibilities of local authorities in respect of the care and support needs of children in the secure estate¹⁵

Ordinary Residence of Child	Status of Child	Detention Location	Local Authority's Responsibility
A migrant child with no ordinary residency status		Detained in Wales	It is the responsibility of the Welsh local authority, where the child is detained, to meet their care and support needs.
Child is an ordinary resident of a Welsh Authority	Regardless of whether the child had any previous involvement with social services	Detained in Wales	It is the responsibility of the Welsh local authority, to meet their care and support needs.
Child is an ordinary resident of a Welsh Authority	If the child was s20 or s31 under the Children Act 1989 prior to being detained	Detained in England	It is the responsibility of the child's Welsh home local authority to meet their care and support needs.
Child is an ordinary resident of an English Authority	If the child was s20 or s31 under the Children Act 1989 prior to being detained	Detained in Wales	It is the responsibility of the English home local authority, where the child is detained, to meet their care and support needs ¹⁶ .
Child is an ordinary resident of an English Authority	If the child was either not known to social services or has been assessed as being a child in need under s17 of the Children Act 1989, prior to being detained.	Detained in Wales	The Welsh local authority where the child is detained is responsible for the care and support needs of that child.
Child is an ordinary resident of a Welsh Authority	If the child has either had no prior involvement with social services or had been assessed as being a child in need under s17 of the Children Act 1989, prior to being detained.	Detained in England	For this group of children there is dual responsibility on the Welsh home local authority of the child (under the Social Services and Well-being (Wales) Act 2014) and the English local authority where the child is detained (under the Children Act 1989) ¹⁷ .

¹⁵ The chart is taken from the Part 11 Codes of Practice (Miscellaneous and General) Social Services and Well-being (Wales) Act 2014

¹⁶ In summary these responsibilities fall under the Children Act 1989 (See page 9 of the Part 11 Code of Practice).

¹⁷ In this instance the responsibility is shared by the Welsh home local authority and the English local authority where the child is detained and will be agreed between themselves (See page 9 of the Part 11 Code of Practice).