

**Prison Reform Trust response to the consultation on the  
'Review of statutory duties placed on local government'**

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective prison system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

The duty to provide social care for prisoners is unclear; the PRT welcomes the review of Adult Social Care Law undertaken by the Law Commission. There should be a duty placed on host local authorities to ensure provision of social care for prisoners with support needs, such as prisoners with physical and learning disabilities. The duty should extend to support with resettlement, including social care assessments and active engagement with home local authorities in advance of an individual prisoner with support needs being released from prison. There should be parity in the provision and quality of social care for prisoners as for the general population. A joint memorandum of understanding between Adult Social Care and the Prison Service should clarify the duty of care required of the Prison Service and the duty of social care provision required of local authority adult social services.

Further, there should be a duty placed on local authorities to ensure adequate provision of Appropriate Adults for police suspects with a mental disorder. This would address the anomaly of entitlement to an Appropriate Adult but no requirement locally to provide such a service.

In the table attached we have set out those existing local authority duties that are central to a just, humane and effective criminal justice system. There are a number of other current duties that make a valuable contribution and we are aware that these will be identified in responses from elsewhere in the voluntary sector.

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<b>Theme</b>	<b>Critical Duty</b>	<b>Function – What it is intended to achieve</b>
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Housing	DCLG_041	Places a duty on housing authorities to publish a new homelessness strategy at least every 5 years and take it into account in discharging its functions
Housing	DCLG_042	Places a duty on local authorities to set out objectives and targets and policies on how the authority intends to manage and deliver its strategic housing role
Accountability	DCLG_075	To ensure there is a joined-up, cross-sector approach to agreeing local priorities.
Children and Young People	DFE_002	Addressing the significant degree of educational underachievement of looked after children compared to all children.
Children and Young People	DFE_005	Imposes a general duty to safeguard and promote the welfare of children 'in need'. Children who are defined as in need under the Children Act 1989 are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health and development, or their health and development will be significantly impaired without the provision of services.
Education	DFE_026	These measures were introduced to make exclusions a more effective sanction and to reduce the disruption to a child's education caused by exclusion.
Education	DFE_028	This ensures that children who cannot (for whatever reason) be in mainstream education, continue to receive a suitable education. Section 3 of the Children Schools and Families Act 2010 (which has not yet been commenced) amends section 19 EA 1996 to provide that all children to whom the section 19 EA 1996 duty applies should receive full time provision (with an exception for medical needs). This provision has not yet been commenced.
Education	DFE_030	Imposes a duty that any pupils placed in alternative provision by a local authority receive full-time education unless it is not in the child's interests – not yet commenced.
Education	DFE_031	An Education Supervision Order can help where parents find it difficult to exercise a proper influence over their child, and where the child has developed a pattern of irregular attendance. It gives the backing of the court to the supervising officer and can help bring home to parents the need to fulfil their responsibilities for their child's education.
Education	DFE_032	The identification of children missing education.
Education	DFE_033	Ensure that all children get a suitable education.
Special Education Needs	DFE_036	Identifying and assessing Special Educational Needs, making and reviewing Special Educational Needs statements and a transition plan from age 14. Keeping arrangements for Special Educational Needs provision under review. Making arrangements for an advice and information service and a dispute resolution service for parents of children with Special Educational Needs. More recent legislation has made minor amendments to the Education Act 1996. (Subject to proposals in the SEN Green Paper.)
Special Education Needs	DFE_037	In carrying out their duty to provide sufficient schools for the area local authorities must have particular regard for the need to secure Special Educational Needs provision for pupils with Special Educational Needs. (Subject to

		proposals in the SEN Green Paper)
Special Education Needs	DFE_068	Sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made. Local authorities are required to review the payment arrangements, in consultation with governing bodies.
Education	DFE_084	Provides a framework for exclusion to control how pupils are removed from school and provides independent scrutiny. It is proposed to amend the regulations to remove appeal arrangements but retain a duty to make review arrangements.
Safeguarding Children	DFE_103	Safeguarding and promoting the welfare of children requires effective co-ordination in every local area. The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children in that locality.
Children and Young People	DFE_104	To provide a single line of accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area .
Children and Young People	DFE_105	To provide a single line of political accountability within the local authority for services to children and to promote co-operation to improve children's well-being among partners in the local area.
Children and Young People	DFE_106	To promote and encourage better co-operation and partnership working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi agency team work.
Young People	DFE_150	Local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13-19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training. Services provided under this duty are delivered under the 'Connexions' brand. The Government announced on 4 November 2010 the establishment of an all-age careers service by April 2012. These new arrangements will mean local authorities no longer provide a universal careers guidance offer, but they will retain responsibility for providing targeted support for vulnerable young people and have greater flexibility to do so.
Education of Young Offenders	DFE_163	Sets out the role of the local authority in providing education for 16-19s in youth detention in their area.
Looked after Children	DFE_175	New arrangements to ensure visits take place for children who cease to be looked after as a result of being detained in custody.
Care leavers	DFE_177	To support good quality professional practice and ensure that local authorities provide care leavers with the necessary support to achieve positive outcomes in adulthood – e.g. stable accommodation, financial assistance and an up to date pathway plan. These duties continue until the former relevant child reaches 21 and in

		some cases beyond that age.
Care leavers	DFE_178	To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education.
Safeguarding Children	DFE_190	Accommodation for children in police protection or detention or on remand (Local authority duty to provide)
Local Government Partnership	DH_001	Common assessment of need; joined up and integrated working; identify opportunities for early intervention and prevention; encourage pooled budgets and risk sharing A revision of Section 116 in the Health and Social Care Bill 2011 in Parliament will reflect the new National Health Service and local government system, structures, and responsibilities with regards to health and wellbeing.
Mental Health	DH_005	To ensure that applications for people to be received into guardianship under Part 2 of the Mental Health Act 1983 are considered and decided. In most cases, this means the Local Authority deciding whether it is itself prepared to act as guardian.
Mental Health	DH_006	To ensure that there is a "fall-back" guardian in (very rare) cases where a private guardian cannot or does not wish to continue acting as such.
Mental Health	DH_015	To ensure that courts are, where applicable, properly enabled to consider a guardianship order as a suitable disposal in relation to a mentally disordered offender.
Crime and Disorder	HO_008	To place Local Authorities, and other relevant authorities, under a duty to disclose prescribed information to all other relevant authorities.
Crime and Disorder	HO_009	To set out the list of data sets that Local Authorities, and other relevant authorities, are required to share with other relevant authorities
Crime and Disorder	HO_011	To enable to Secretary of State to make regulations for how Local Authorities should carry out their duty to scrutinise crime and disorder matters
Violence against Women and Girls	HO_014	The aim of these reviews is for all the agencies involved to identify the lessons that can be learned from domestic homicides, with a view to improving policies and practice and preventing further violence and homicide.
Crime and Disorder	HO_016	To make Local Authorities one of the authorities responsible for formulating and implementing strategies to tackle crime and disorder.
Crime and Disorder	HO_017	Sets out the list of bodies or persons that Local Authorities, as responsible authorities, of Community Safety Partnerships, must cooperate with or invite to participate in formulating and implementing a strategy to tackle crime and disorder
Crime and Disorder	HO_018	Local Authorities, together with the other responsible authorities of Community Safety Partnerships, must formulate and implement a strategy for reducing crime and disorder, (including anti-social behaviour and other behaviour adversely affecting the local environment), combating the misuse of drugs, alcohol and other substances and reducing reoffending.
Crime and Disorder	HO_021	To place a duty on Local Authorities, and other authorities, to consider crime and disorder implications in the exercise of their functions.

Crime and Disorder	HO_022	To place Local Authorities, and other relevant authorities, under a duty to disclose prescribed information to all other relevant authorities.
Crime and Disorder	HO_023	To set out the list of data sets that Local Authorities, and other relevant authorities, are required to share with other relevant authorities
Young offender education	MOJ_014	To make LAs responsible for the education of young people in custody to raise standards of education and achieve greater continuity between learning in custody and community.
Young offender education	MOJ_015	To give young people in custody the same right to education as young people in the community.
Young offender education	MOJ_016	To ensure that home local authorities continue to take an interest in young people who are in custody in a different LA. This will mean they are much better placed to ensure the young person receives suitable education on their release.
Young offender education	MOJ_017	To ensure that appropriate provision is made for young people with special educational needs in respect of their education in custody.
Young offender education	MOJ_018	To ensure that the skills of young people are assessed so that education at an appropriate level can be made.
Young offender education	MOJ_019	To allow continuity of learning.
Young offender education	MOJ_020	To ensure that the appropriate Local Authority is aware of the Special Education Deeds statement and can ensure adequate provision is made.
Young offender education	MOJ_021	To help ensure that young people who may have Special education needs are assessed
Young offender education	MOJ_022	To ensure that any young people who had a statement of Special Education Needs before entering custody have their statement revived on release.
Young offender education	MOJ_023	To ensure that any young people who had a statement of Special education needs before entering custody have their statement reviewed on release.
Young offender education	MOJ_024	To ensure Local Authorities take the lead in co-ordinating cross agency work to provide crime prevention and early intervention services
Young offender education	MOJ_025	Gives a clear and common aim to the youth justice system that all bodies must have regard to.
Youth Justice Offending Services	MOJ_026	Places a duty on all LAs to provide youth justice services in their area
Youth Justice Offending Services	MOJ_027	Enable the production of central guidance from the Secretary of State that Local Authorities and other bodies must have regard to
Youth Justice Offending Services	MOJ_028	Underpins the current delivery of youth justice by Local Authority Youth Offending Teams
Youth Justice Offending Services	MOJ_029	Establishes the multi agency, multi disciplinary ethos behind the Youth Offending Teams
Youth Justice Offending	MOJ_030	Sets out the duties of a Youth Offending Team and ensures that each area has a youth justice plan

Services		
Youth Justice Offending Services	MOJ_032	Sets out duty as per legislation
Youth Justice Offending Services	MOJ_033	Establishes Youth Offending Teams as part of local children's arrangements
Youth Justice Offending Services	MOJ_034	Sets out duty for Youth Offending Teams to safeguard children
Youth Justice Offending Services	MOJ_035	Ensures Youth Offending Teams are part of local LSCB arrangements
Youth Justice Offending Services	MOJ_036	Ensures Youth Offending Teams are involved in local education arrangements
Youth Justice Offending Services	MOJ_037	Ensures Youth Offending Teams are informing the court of Ethnic Monitoring availability
Youth Justice Offending Services	MOJ_038	Ensures that Local Authorities place a young person in secure accommodation if required
Criminal Justice	MOJ_043	Public protection
Criminal Justice	MOJ_044	Where practicable, at least one of the appointed members of a probation trust must, when appointed, be a member of a relevant local authority.
Offenders and reoffending	MOJ_045	To ensure that agencies work together to manage the risks posed by offenders following their release from custody - for example to ensure that paedophiles aren't inadvertently housed by the local authority near a school, or in an estate with many families.