

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 185 - Adults in prison, youth detention accommodation or bail accommodation etc

462. **Section 185** makes provision as to the ordinary residence, for the purposes of this Act, of adults detained in prison or in youth detention accommodation or who are required to reside at “approved premises” or at other premises as a result of a condition of bail in criminal proceedings. These adults are to be treated for the purposes of this Act as ordinarily resident in the local authority area in which they are detained or required to reside.
463. This means that it is the local authority in whose area the prison, youth detention accommodation, approved premises or other premises are located that will be responsible for undertaking assessments and for providing care and support to meet eligible needs for the adults detained or required to reside there. An adult’s previous ordinary residence will not be a consideration.
464. If, therefore, it appears to a local authority that an adult in prison, in youth detention accommodation or resident in approved premises or other premises in its area may have needs for care and support, the duty to undertake an assessment in accordance with section 19 will apply. Where such an adult has needs which satisfy the eligibility criteria, there may be a duty to meet those needs.
465. This section and section 187 disapply certain provisions of this Act in relation to an adult who is detained in prison or in youth detention accommodation or who is required to live in approved premises. If a provision is not disapplied or modified, it will apply in the same way as to any other adult resident in the local authority’s area. For example, charging arrangements for care and support for adults who are detained will be the same as for other adults resident in the area.
466. Subsections (4), (5) and (6) set out the sections which are disapplied in relation to adults who are detained in prison or youth detention accommodation or who are residing in approved premises.
467. Subsection (7) contains a signpost to section 187 which contains further modifications of the provisions of this Act to both children and adults who are detained or residing in approved premises.
468. The terms “approved premises”, “bail in criminal proceedings”, “prison” and “youth detention accommodation” are defined in section 188.