Children and Families Act 2014
Special Educational Needs
Children and Young People in and leaving custody

What are the changes and why are they being made?

The Children and Families Act 2014 brings in reforms to the assessment and planning arrangements for children and young people with Special Educational Needs (SEN). These changes have been designed to improve how we work with children, young people and their families and to further joint working across agencies.

This plan relates to the requirements around children and young people aged 18, or under, ordinarily resident in Calderdale (the home Local Authority) who have been remanded or sentenced by the Courts to youth custody in England: Youth Offender Institutions; Secure Training Centres, Secure Children’s Homes; or Secure Colleges.

This plan has been developed in line with Section 10: 10.60 to 10.150 of the SEND Code of Practice January 2015 from the Department for Education which can be found here:


Children and Young People in and leaving custody

The statutory requirements relating to children and young people detained in youth custody will commence from April 2015.

Youth Offending Teams (YOT) and those in charge of relevant youth custody must co-operate with the local authority to ensure that these requirements can be fulfilled and must have regard to the SEND Code of Practice January 2015.

It is expected that the YOT would bring a child or young person to the attention of the Calderdale SEN Team where there are concerns about a child or young person who may have SEN - this should be done with the knowledge and agreement of the child’s parents or the young person.

Arrangements for Education, Health and Care Plans:

- The YOT will notify the Calderdale SEN Team when a child or young person is detained.

- Where a child or young person has an Education, Health and Care (EHC) Plan when they enter youth custody the Calderdale SEN Team will continue to maintain the plan until the child or detained child or young person is released or until they transfer from the youth justice system to adult detention.
Where a child or young person has an EHC Plan prior to being detained Calderdale SEN Team will send it to YOT, the custodial establishment and the relevant health commissioners within five working days of becoming aware of the detention.

- The Calderdale SEN Team will arrange special educational provision specified in the EHC Plan for the detained child or young person while he or she is detained.
- The relevant Health Service commissioners for the custodial establishment must arrange any health provision specified in the EHC Plan for the detained child or young person while he or she is detained. EHC Plan information will feed into the Comprehensive Health Assessment Tool used as a child or young person enters a custodial establishment.

- Where a detained child or young person is in custody within a year of the last annual review of the EHC Plan the Calderdale SEN Team will conduct a monitoring meeting based around the EHC Plan

- Key contact between the Calderdale SEN Team and the custodial establishment will be provided by the YOT. The SEN Team will as necessary talk direct to the education provider in the custodial establishment in relation to the EHC Plan or EHC needs assessment process.

- Where a detained child or young person transfers between custodial establishments the YOT will notify the Calderdale SEN Team - the SEN Team will then send the EHC Plan to the new custodial establishment within five working days

**Requesting an EHC needs assessment whilst in custody:**
- The child’s parents/carers’, the young person aged 16 or over, or the person in charge of the custodial establishment can request an EHC needs assessment from Calderdale SEN Team while the child or young person is in custody - the purpose of the assessment is to consider whether the support of an EHC Plan is required on release from custody.

- Anyone else including the YOT and the education provider in the custodial establishment can bring the detained child or young person to the attention of the Calderdale SEN Team - the SEN Team will then consider an EHC needs assessment.

- Where an EHC needs assessment is agreed the Calderdale SEN Team will notify:
  - the parents/carers or the young person aged 16 or over;
  - the person in charge of the custodial establishment;
  - the home area health providers;
  - NHS England, who provide health services in custodial establishments;
  - social care;
  - the school, PRU or college where the child or young person is on roll;
  - the YOT;
  and undertake the assessment in line with all EHC needs assessments.
The EHC needs assessment can take up to 20 weeks to complete - enabling an assessment to begin in custody will help ensure that appropriate support is in place as soon as possible after the child or young person has been released.

**Release from custody:**
- The YOT will notify the Calderdale SEN Team that a child or young person is due to be released.

- If the EHC needs assessment process has not been completed before the detained child or young person leaves custody the Calderdale SEN Team will continue and complete the process after release.

- If the detained child or young person moves to another local authority on release before completion of the EHC needs assessment the new authority should consider whether it needs to carry out an EHC needs assessment itself and it must do so if it receives a request from the child’s parents, the young person or the person in charge of the custodial establishment.

- Where a child or young person has an EHC Plan prior to being detained or if an EHC Plan has been issued whilst the detained person is in custody, the Calderdale SEN Team will maintain and review it as soon as possible after the child or young person is released.

**Arrangements for Statements of SEN and Learning Difficulties Assessments:**
- Where a child or young person has a Statement of SEN when they enter youth custody the Calderdale SEN Team will continue to maintain the Statement as outlined above for an EHC Plan.

- The Calderdale SEN Team will carry out an EHC transfer review in the custodial establishment where this has been requested by the parent/carer or young person aged 16 or over or the person in charge of the custodial establishment.

- Where the young person has a Learning Difficulties Assessment (LDA) when they enter custody the Calderdale SEN Team will carry out a EHC needs assessment where it may be necessary to for special educational provision to be made in accordance with an EHC Plan and the detained person is expected to return to further education or training on release - this relates to the period 1 April 2015 to 1 September 2016 where the detained young person will return to further education on release - all EHC transfers from LDAs to EHC plans will take place by 1 September 2016.

- If the EHC transfer process has not been completed before the detained child or young person leaves custody the Calderdale SEN Team will continue and complete the process after release.

- The Calderdale SEN Team will carry out a transfer of the Statement of SEN or LDA to an EHC Plan as soon as possible after release from custody (see process arrangements below).
How will the EHC transfer take place for children and young people leaving custody?

1. The child or young person with a Statement of SEN or LDA is leaving custody

2. YOT will notify the SEN Team as soon as possible that the detained child or young person is due to be released from the custodial establishment allowing the transfer review meeting to be planned.

3. **At least 2 weeks in advance** the SEN Team starts the transfer review process by writing to parent/carers or young person and other relevant parties to agree a date for the meeting.

4. The meeting takes place starting the EHC transfer process - additional advice is sought where this is needed.

5. Following discussion at the meeting, the SEN Team will confirm whether the Statement or LDA will cease or transfer to an EHC Plan.

6. Statement or LDA to be ceased

   - Letter informing parents/carers or young person and setting of the decision sent within 10 weeks of the review meeting

7. Statement or LDA to transfer to EHC Plan

   - Proposed EHC Plan sent to parents/carers or young person within 10 weeks of the transfer review meeting.

   - Final EHC Plan agreed and sent to parents/carers or young person within 14 weeks of the review.
Where can we get independent advice from?

The following sources of independent SEN information and advice are available:

- SEND Information, Advice and Support Service - Telephone 01422 266141.
- Calderdale Parent and Carers - Telephone 01422 343090.
- Independent Supporters - Telephone 01422 266141 or 01422 343090.

Who shall I contact if I've got any questions about this plan?

Any questions about this plan can be referred to the Calderdale SEN Team - Telephone 01422 394141 or 01422 394129.

Frequently Asked Questions

**Q: Why are the Government changing things?**

A: The Government feel the new approach will help children, young people and their families feel valued and encourage them to participate as fully as possible in making decisions about the child or young person’s development and helping them to achieve the best possible education and other outcomes. The Government feel that the changes to special educational needs for children and young people in custody will in particular help improve educational outcomes on return to the local community.

**Q: Who can I contact if I don't think the special educational provision, in my child’s EHC Plan or Statement of SEN, is in place whilst in custody?**

A: You can contact the SEN Team Manager on Telephone 01422 394199.

**Q: What is the benefit of changing to an EHC Plan?**

A: An EHC Plan co-ordinates all of the child or young person’s needs in one plan which all relevant agencies will have access to. The plan should result in a more co-ordinated approach in meeting the identified needs of the child or young person.

**Q: What if I’m not happy with the EHC Plan or don’t agree with what is written?**

A: You will receive a Proposed EHC Plan following which you will have 15 days to contact us with any questions. We will work with you to address these and formulate a plan which everyone agrees.

**Q: What can I do if I don’t agree with the Health or Social Care provision in the EHC Plan?**

A: EHC Plans are subject to similar assessments and consultation as Statements and the SEN Team will work closely with you to try to make sure the identified needs of the child or young person are met. Discussions about the Health and Social Care elements of the plan would need to be undertaken with the relevant agencies.
Q: What happens if after the transfer review my child doesn’t get an EHC Plan?

A: On some occasions it may be felt that the Statement or LDA is no longer required and therefore an EHC Plan is not required. This would be discussed at the transfer review, in either the custodial establishment or on release from custody, and would likely to be where it is felt the school or college are able to provide the required level of support through their SEN provision (as identified in the Local Offer) and their own resources. It is anticipated that the vast majority of EHC transfers will lead to an EHC Plan.

Q: How has this plan been produced?

A: This plan has been produced following the guidance provided by the Department for Education and through consultation with Calderdale YOT.

Q: How often will this plan be reviewed?

This plan will be reviewed every year.