



**Children and Families Act 2014:
Children and young people with SEN in youth
custody**

Implementation Support Materials



These materials were developed by the Council for Disabled Children working with:

- Department for Education
- Department of Health
- Ministry of Justice
- Youth Justice Board
- National Offender Management Service, Young People's Group
- Information, Advice and Support Services Network
- Barnardos
- The Communications Trust
- Portsmouth City Council
- G4S Care and Justice Services (UK)
- Targeted Support and Youth Justice Service, Nottinghamshire County Council
- Clayfields House Secure Children's Home
- Local Government Association
- Medway Educational Psychology Service

Who are these materials for?

The provisions in the Children and Families Act setting out the new legal framework for children and young people with SEN in youth custody will commence on 1st April 2015.

The new legal framework applies to children and young people aged 18 and under in Young Offender Institutions, Secure Training Centres and Secure Children's Homes. It applies to children and young people who are on remand, have been sentenced or children who have been voluntarily detained in Secure Children's Homes.

Anyone working with a child or young person in youth custody may find these materials helpful. Specifically the materials have been developed to support:

- Local authority teams with responsibility for SEN
- NHS England teams with responsibility for health provision in the secure youth estate
- People in charge of secure youth establishments
- Youth Offending Teams
- Education providers in secure youth establishments
- Health providers in secure youth establishments
- Information, Advice and Support Services

- The SEND 0-25 Code of Practice can be found here: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- Guidance on transitional arrangements for this group can be found here: <https://www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014>
- CDC has produced implementation support materials for the SEND reforms which can be found on the CDC website.

Contents

	Page
Preparing for implementation – checklist <i>This is aimed at SEND teams in local authorities</i>	5
Identifying SEN and requesting an assessment for a child or young person in custody (1) <i>This is a high level summary aimed at strategic leads in LAs, health commissioners, YOT managers and senior management in the secure estate.</i>	6
Identifying SEN and requesting an assessment for a child or young person in custody (2) <i>This is a detailed process diagram aimed at SEND teams in LAs, YOT caseworkers and education providers in the secure estate.</i>	7
Appeals and mediation <i>This is aimed at YOT caseworkers and education providers in the secure estate.</i>	11
Child or young person with an EHC plan in custody (1) <i>This is a high level summary aimed at strategic leads in LAs and NHS England, YOT managers and senior management in the secure estate.</i>	12
Child or young person with an EHC plan in custody (2) <i>This is a detailed process diagram aimed at SEND teams in LAs, NHS England, YOT caseworkers, education and health providers in the secure estate.</i>	13
Arranging provision in custody <i>This is aimed at SEND teams in LAs, NHS England, YOT caseworkers, education and health providers in the secure estate.</i>	15
Transitional arrangements – key points <i>This is aimed at SEND teams in local authorities, YOT caseworkers and education providers in the secure estate.</i>	17
Information, advice and support for children, young people and parents	18
Template letter to request for an EHC post-detention needs assessment	19
Glossary of terms	21

First steps towards implementing the new framework ...



Do you have the most recent version of the Code of Practice?

The Government published an updated version of the Code in January. The section in Chapter 10 on children and young people in youth custody has been significantly updated.

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>



SEND teams - do you know your youth offending team?

If not, find out who they are here:

<https://www.gov.uk/government/collections/youth-offending-team-contact-details>



SEND teams - arrange to meet with your YOT

This initial discussion will most likely be with the service manager or the education, training, employment (ETE) lead. It may be helpful to share your template EHC plan with your YOT.



SEND teams and YOTs - Agree ways of working

How do you wish to work together and share information?

E.g. how should the YOT let SEND team know that a child or young person has gone into custody? How will the SEND team share EHC plans with the YOT?



Identify CYP in youth custody

Work together to identify any children or young people who are currently in youth custody with SEN /statements / LDAs?

Who might the YOT think may request an assessment and who the YOT might consider bringing to the LAs attention?

Where are these CYP? What support are they currently receiving?

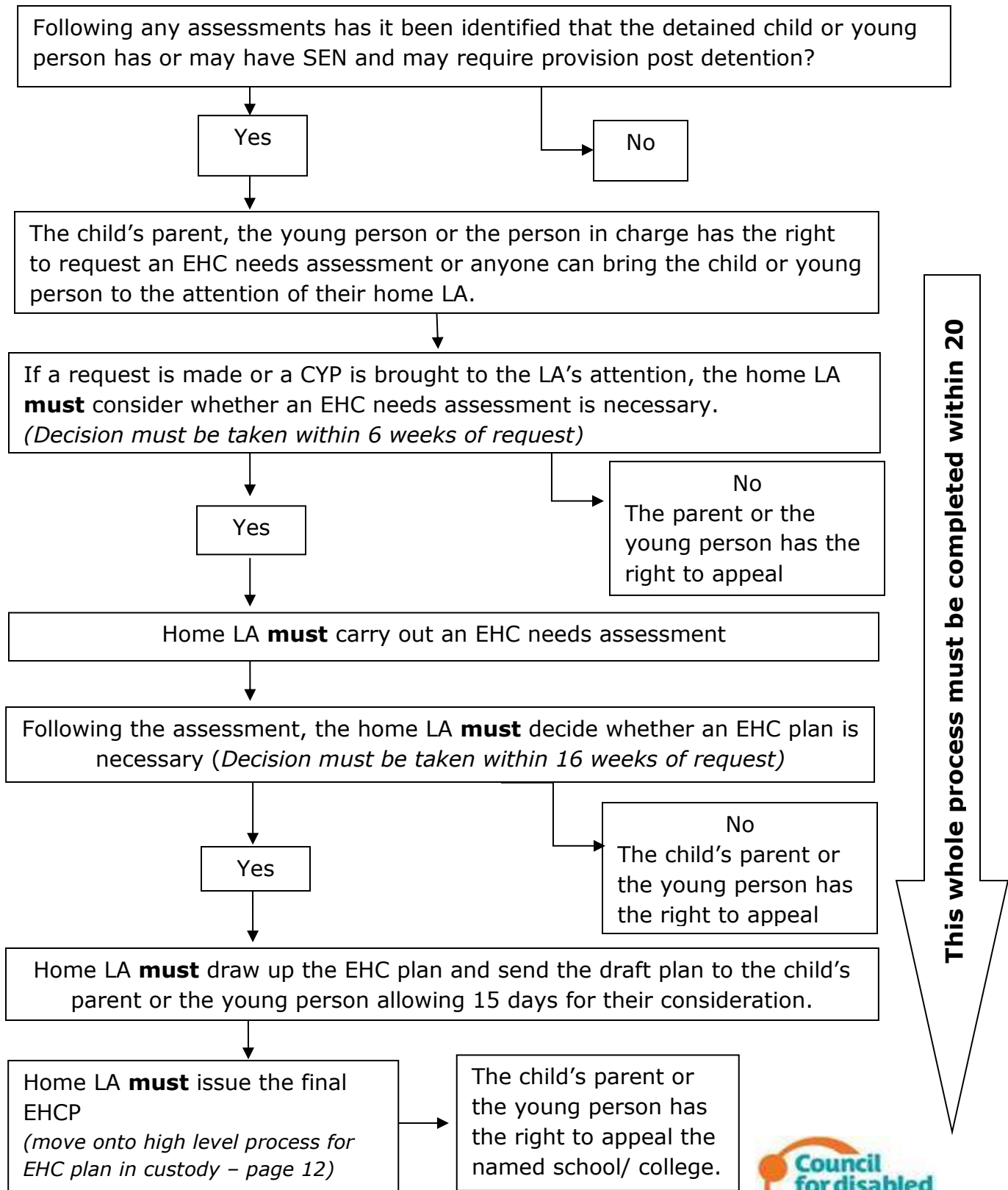


SEND teams - Process for new requests

Consider how you will respond to requests for an assessment for a child or young person in custody as this new right begins on 1st April – the practicalities of making contact and criteria you may use to consider requests.

A child or young person enters custody without an EHC plan (1)

High level summary



Young person enters custody without an EHC plan (2)

IDENTIFICATION OF NEED

(This could be part of the discussion at the initial planning meeting)

- Do any of the initial assessments, observations discussions with the CYP suggest that the CYP has or may have SEN?
- Do those supporting the CYP (e.g. education, health providers, YOT) have concerns that the CYP may have SEN?
- Is there any suggestion that the CYP may have had an EHC plan (or statement of SEN) previously which has ceased or lapsed? (the CYP may be aware or the YOT should talk to the SEND team in the home LA)



YES

NO: monitor progress as usual

What should happen next?

- The establishment should put support in place immediately and continue to monitor progress
- The education provider (likely the SENCO will have this role) should work with the YOT to find out if there is any other information available (e.g. from the school) to provide further evidence.
- The child's parent or the young person should be engaged in any decision making processes.

What are the options?

1. The young person, child's parent or person in charge of the establishment may request an assessment from the CYP's home LA. Anyone working with child or young person could bring them to their home LA's attention. If a request / bring to attention is going to take place, it should be done as soon as possible to make use of time in custody.
2. If it is decided not to make a request at this stage, a date should be set to reconsider evidence and the options.

How to request an assessment / bring to the LA's attention:

- A template letter requesting an EHC needs assessment under the Children & Families Act is included on page 19.
- Many LAs have a bespoke application form or method of requesting an EHC needs assessment online through their Local Offer. If the request is being made by the person in charge of the custodial establishment, or a young person in custody supported by the establishment it may not be practical to use each LA's preferred approach. A request made by phone, letter or email must trigger the same process (set out on the following pages).

A request for an assessment is made or a CYP is brought to the home LA's attention

What must happen next?

- The home LA must determine if an EHC needs assessment is necessary.
- The home LA must consult the parent, young person and custodial establishment
- In addition to the list of partners to notify when considering a request in the community, the LA must notify: the custodial establishment, the YOT, NHS England (full list in CoP 10.85)
- The LA must consider a range of evidence, including the CYP's engagement with education such as exclusions and absence (full list in CoP 10.87)



From this point the LA has max. 20 weeks to complete the whole process



Decision point: the home LA must decide whether to carry out an EHC needs assessment

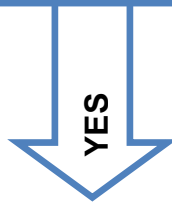
This decision must be made within 6 weeks of the request

What must happen?

- The home LA must decide whether the child or young person has or may have SEN and may need support from EHC plan on release. If yes, the LA must assess. This is the legal test as set out in the Children and Families Act.
- The home LA must inform the people set out in 10.85 of the Code of Practice of their decision.

How?

- The home LA may develop criteria to guide them in reaching this decision, and they may use a panel to provide them with advice on this decision. However the final decision is for the home LA to take and cases must be considered individually. Refusing to assess young offenders solely because they are on longer sentences or because they do not have any education evidence from the previous few years would not be acceptable.
- LAs which use panels to advise on decisions to assess or issue EHC plans, may wish to consider whether the make up of their panel should be altered when considering requests for a CYP in custody. E.g. to include a representative from the YOT / someone with youth justice experience.



If the LA decides not to assess it must inform the YP or parent and person in charge of the establishment. And inform the parent or YP's of their right to appeal.

YES: The home LA makes a decision to carry out an EHC needs assessment

What must happen?

- LAs must consult the child, child's parent or the young person throughout the process of an assessment.
- In addition to the advice and information the LA must seek when carrying out an assessment in the community, the home LA must seek advice from:
 - The person in charge of the custodial establishment – including education and health providers
 - Educational psychologist (and this does not have to be one employed by the LA)
 - The CYP's youth offending team
 - Medical advice and information gathered from professionals with a role in relation to the detained person's health (mental and physical), including the custodial healthcare provider

How?

- Each 'advice giver' will provide a report to the LA following their assessment of the CYP. This advice must be provided within 6 weeks of being requested by the LA.
- The needs of the individual CYP should sit at the heart of the assessment process. The approach should be person-centred as described in CoP 9.21.
- Some children and young people will require support from an advocate through the assessment and planning process. LAs should ensure that CYP who need it have access to this support.

Decision point: the home LA makes a decision whether to issue an EHC plan

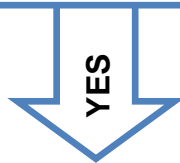
This decision must be made within 16 weeks

What must happen?

- Following the assessment, the home LA must decide whether the child or young person requires support from an EHC plan on release. If yes, an EHC plan must be drawn up and issued. This is the legal test as set out in the Children and Families Act 2014.
- The home LA must inform the people set out in 10.85 of the Code of Practice of their decision.

How?

- As above the home LA may develop criteria to guide them in reaching this decision, and they may use a panel to advise on this decision. However the final decision is for the home LA and it must consider each case individually.



If the LA decides not to assess it must inform the YP or parent and person in charge of the establishment. And inform the parent or YP's of their right to appeal.



YES: The EHC plan is drawn up in custody and the draft EHC plan is issued

What must happen?

- The principles and requirements for drawing up an EHC plan, as set out in the CoP 9.61 apply to EHC plans drawn up in custody. This includes making decisions about the content of plans openly and collaboratively with parents, CYP and being clear on how they contributed and how their views are reflected in the plan.
- For CYP in or beyond year 9, the EHC plan must include provision required to assist the CYP in preparing for adulthood and independent living.
- The health content of the EHC plan must be agreed by the CYP's home CCG.
- The draft plan must not include a named education setting as parents or the young person has a right to request an education placement once they have received the draft plan.
- The draft plan must be sent to the young person, or child's parent and they must be given 15 calendar days to make representations about the draft and have the option of meeting the LA to discuss the draft.
- The LA must advise the child's parent or young person where they can find information about the schools and colleges that are available for the CYP to attend on release from detention.
- EHC plan templates have been developed locally, each LA will have a different style and approach. However every EHC plan must have the same, labelled sections A-K (CoP 10.103 describes each section).



Issuing the final EHC plan (*within 20 weeks*)

What must happen?

- The plan must be sent to the child's parent or young person, the person in charge of the establishment, the YOT, the school or other setting named in the EHC plan, the home CCG and NHS England.
- The final plan must include any agreed revisions and an education placement/ type of placement in Section I.
- If the child or young person is in custody when the final plan is issued, the provision in Section F must be arranged by the home LA and the provision in Section G must be arranged by NHS England (see page 15).

What can happen?

- If the child's parent or the young person is not content with Section I of the EHC plan (education setting), they have a right to appeal.

If a CYP moves in /out of custody or transfers establishment?

The process must continue and the statutory timescales apply. LAs may use any of the steps previously taken as part of the ongoing process. If a CYP is released to a different LA, the new LA must decide whether to carry out the assessment taking into the old LA's decision to assess.

Mediation and Appeals in custody

A child's parent, a young person or the person in charge of the custodial establishment has the right to request an EHC needs assessment from the CYP's home LA. Anyone else can bring a CYP to the attention of their home LA.

EHC needs assessment: NO
The home LA decides not to carry out an EHC needs assessment. The child's parent or the YP has a right to appeal to the SEND Tribunal.

EHC needs assessment: YES
The home LA decides to carry out an EHC needs assessment.

EHC plan: NO
Following the assessment, the home LA decides not to secure an EHCP. The child's parent or the YP has a right to appeal to the SEND Tribunal.

EHC plan: YES
Following the assessment, the home LA decides to secure an EHCP but there is disagreement over the education setting (or type of setting) named in the plan or a setting is not named in the plan.
If an appeal is made against Section I (placement) of an EHCP, the parent or young person does not have to consider mediation.

Mediation
Before registering an appeal to the Tribunal the party involved must consider **mediation**.

What does this mean?

- A parent or the YP must be provided with information about mediation.
- If the YP or parent wants to mediate the LA must arrange it, participate and ensure it is conducted by an independent person. It should take place in the secure estate.
- If the YP or parent receives information, and does not wish to pursue mediation they will be sent a certificate to show the Tribunal that they have taken this step.

Appeals

- Appeals must be registered within 2 months of the LA decision or 1 month from the date of the mediation certificate.
- The YP or the child's parent can complete a form and send to the tribunal to register the appeal. The Judge may ask for more information from either party.
- A date for the tribunal will be set. If the young person has brought the appeal the tribunal should take place where it is possible for the young person to attend or a video link if deemed appropriate. This will require the custodial establishments and the tribunal working together.

Child or young person in youth custody with an EHC plan (1) *High level summary*

Child or young person with an EHC plan is in youth custody

A CYP may have entered custody (remand or sentenced) with an EHCP or the EHCP may have been developed in custody.

The YOT **must** notify the LA that the CYP has gone into custody.

The LA **must** share the EHC plan with the YOT, the person in charge of the establishment, NHS England within 5 working days.

While the CYP is in custody their home LA **must** keep their EHC plan

The home LA should monitor the CYP's progress against the outcomes and aspirations set out in the EHC plan. Monitoring meeting should take place at least every 12 months.

The LA and NHS England **must** arrange appropriate provision while the CYP is in custody

Arrange provision as set out in Sections F and G of the EHC plan.

When the CYP is released from youth custody the home LA **must** maintain their EHC plan and **must** review their EHC plan as soon as possible.

If it is not practicable to arrange what is in the EHC plan, provision as close as possible must be arranged.

If the CYP's needs have changed and the provision is no longer appropriate it must be arranged.

- If a YP transfers to the adult secure estate, the person in charge of the youth establishment should ensure that all relevant SEN information is passed to the receiving establishment.
- If a YP aged under 25 is released from the adult secure estate and plans to stay in education, the LA **must** maintain and review their EHC plan on release.

Child or young person in youth custody with an EHC plan

A child or young person with an EHC plan is placed in custody

What must happen?

- The YOT must inform the LA that the CYP has gone into custody. This will be more effective if there is ongoing dialogue between the YOT and LA before this stage so that all partners are prepared for sharing information in good time. (See checklist on Page 5 for making contact with your YOT / SEND team)
- The LA must send the EHC plan to the YOT, NHS England and the person in charge of the establishment within 5 working days.

How?

- Education and Health providers in the establishment will receive the CYP's EHC plan via the YOT or person in charge of the establishment. To note that templates for EHC plans have been developed locally and each LA will have a different style and approach. However all EHC plans will have clear, separately labelled sections A-K.
- Sections F and G will set out the special education and health provision, however the whole EHC plan will provide key information for providers in the establishment (E.g. section B: CYP's special educational needs and section E: CYP's outcomes).



While a CYP is in custody, the LA must keep their EHC plan

What must happen?

- The detained CYP's EHC plan must not be ceased, the LA cannot carry out an EHC needs reassessment and the EHC plan cannot be amended - this includes any provision within the plan and the named institution.

What should happen?

- The CYP's progress towards their outcomes and aspirations as set out the EHC plan should be monitored through a monitoring meeting at least every 12 months.
- These monitoring meetings should involve those who are supporting the CYP to progress and should involve the child and their child's parent or the young person and take account of their views, wishes and feelings. This should be carried out by the LA, but they may wish to ask the establishment to convene the meeting.
- Although the EHC plan cannot be formally amended while the CYP is in custody, the LA should use this information gathered in this meetings to review whether the provision the CYP is receiving is still appropriate and to support preparation for release.
- It would be good practice to coincide these meetings with other key review meetings arranged for the CYP e.g. sentence planning meetings or for looked after children reviews of their Care Plan.

The home LA and NHS England must arrange provision

Under the Children and Families Act 2014 if a child or young person in custody has an EHC plan, their home LA and NHS England must arrange appropriate SEN and health provision for them while they are in custody.

Further details on how this might happen and what must/ should be considered is set out on page 15.



When a CYP is released, the LA must maintain their EHC plan

What must happen?

- The YOT must notify the LA when the CYP is due to be released (good practice would be to do this as soon as a date is known so that the LA can prepare).
- The EHC plan immediately becomes 'active' again and the home local authority must maintain it – this means that the provision and the named institution would immediately apply.
- A review must be carried out as soon reasonably practicable after the CYP's release.
- If released to another LA the YOT must notify the new LA of the CYP's release. The old LA must send the EHC plan to the new LA and new CCG within 5 working days of being informed of the move. The new LA will then be responsible for maintaining the EHC plan.

What should happen?

- In all preparations for release and the LAs review of the EHC plan post release, the LA should work with the YOT to understand the conditions of license or any notice of supervision which could impact on the CYP receiving provision set out in the EHC plan. E.g. if there are conditions on the CYP's travel or a curfew.
- Any amendments to the EHC plan which may have been discussed and agreed while the CYP was in custody can now be made to the plan.
- However if the LA wishes to amend or cease the EHC plan all the processes set out in the legislation and Code for EHC plans in the community will apply. This includes the child's parent or young person's right to appeal.



What happens if a YP with a plan is transferred to the adult estate?

- The person in charge of the youth accommodation should ensure that all relevant SEN information, including the EHC plan, is passed to the receiving establishment prior to transfer taking place.
- If a YP aged under 25 who had an EHC plan in youth custody is released from the adult secure estate and plans to stay in education, the LA **must** maintain and review their EHC plan on release.

Arranging provision in custody

How?

Legal responsibility for arranging provision sits with the CYP's home LA and NHS England. In practice this will be done by education and health providers in the secure establishment funded centrally through contracts with the Youth Justice Board and NHS England. This will include putting arrangements in place for high needs funding for education providers to help meet the needs of CYP with EHC plans. Setting out what is ordinarily provided in terms of education and SEN will make it easier to discuss whether additional funding is required.

First Consideration

What does CYP's EHC plan say?

Special educational and health provision must be arranged for the CYP as set out in sections F and G of their EHC plan. All sections of the plan hold important information. The EHC plan would have been issued following an assessment in the community or in custody and agreed by the CYP's home LA and CCG.

Second consideration

What if the EHC plan is not practicable?

- Where provision in the EHCP cannot practicably be provided in the secure estate, the LA must arrange provision as close as possible to the EHC plan.
- It is important that what is provided links to the CYP's aspirations and outcomes.
- Provision not currently available does not necessarily mean it isn't practicable but it will be important that providers and the person in charge can be clear with LAs on the practical boundaries (i.e. safety / access to the internet) and whether this may change over the CYP's sentence.

What if the EHC plan is not appropriate?

- Where a CYP's needs have changed and the EHCP is no longer appropriate, the LA must arrange appropriate provision.
- In practice the providers are likely to pick up on the inappropriateness of the EHC plan provision. The LA and education provider will need to discuss this and should seek professional advice on appropriate provision. The same may be the case for health providers and NHS England.
- If this occurs, when the CYP is released, the LA should carry out an EHC needs reassessment.

Keeping records and provision under review

- The initial planning meeting may be the best forum to discuss the CYP's EHC plan and what provision will be in place to meet their needs while in custody. Depending on local arrangements it may be necessary to extend the meeting invitation to a SEND caseworker from the home LA or the SEND lead in the CYP's YOT.
- The EHC plan cannot be formally amended to reflect any changes in provision (because of practicability or appropriateness) until the CYP is released. However any decisions and changes should be recorded in individual education and health plans monitored by the education and health providers.
- The LA may wish to set out the arrangements in a letter to the parent or YP as an audit trail of all decisions.

<p>Arranging appropriate special educational provision</p> <p>Example: John, 17, is placed in custody. He has 'input from a specialist dyslexia teacher' in Section F of his EHC plan</p>	<p>Home LA is legally responsible for arranging appropriate special educational provision as set out in the EHCP.</p>	<ul style="list-style-type: none"> • The education provider will need to provide SEN provision for John, in this example input from a specialist dyslexia teacher. • If it would not be practicable to do so, provision as close as possible must be put in place. All EHC plans must show how provision links to a CYP's outcomes and needs, therefore provision as close as possible would still need to meet John's needs and contribute to John's outcomes. • If this provision is no longer appropriate to meet John's needs, appropriate provision must be put in place and should be based on professional advice. • The education provider will need to discuss the SEN provision available and what John will receive with John and his LA (directly or via the YOT).
<p>Arranging health provision</p> <p>Example: James is on remand in custody. He has 5 hours of CAMHS per fortnight in Section G of his EHCP</p>	<p>NHS England is legally responsible for arranging appropriate health provision as set out in the EHCP.</p>	<ul style="list-style-type: none"> • In James's YOI the main healthcare provider is in partnership with a separate CAMH service. The partnership is under a contract with NHS England. • Although NHS England is legally responsible, the CAMHS provider will need to ensure that James has 5 hours per fortnight of access to CAMHS. • If it would not be practicable, other provision must be put in place which is as close as possible. If this provision is no longer appropriate to meet John's needs for example if his CHAT assessment identifies more/less need, appropriate provision must be put in place. • Consideration may be needed as to how any reports on progress or concerns from the YOI CAMHS provider will be shared with James's home CCG (or specifically with his local CAMHS) on his release.
<p>Arranging speech and language therapy</p> <p>Example: Jack is in custody. His EHCP has 4 hours per week of Speech and Language therapy set out in Section F</p>	<p>Home LA is legally responsible for arranging special educational provision as set out in the EHCP.</p>	<ul style="list-style-type: none"> • Although Jack's SLT is set out in the special education provision section (F) of his EHC plan, in Jack's YOI SLT is secured by a Health Care Trust contracted to NHS England. • In practice, the Trust contracted to provide SLT will need to provide 4 hours SLT per week for Jack. If it would not be practicable to do so provision must be made which is close as possible as above this should meet Jack's needs as set out in his EHC plan and link to his outcomes. • If 4 hours SLT is no longer appropriate to meet John's needs, appropriate provision must be arranged and should be based on professional advice.

Transitional arrangements – Key points

The overall timeframe for the transition from the old system to the new is:

- All statements must be transferred to EHC plans by April 2018
- All Learning Difficulty Assessments (LDAs) must be transferred by September 2016
- The overall transitional process for children with statements is through a 'transfer review', which is an EHC needs assessment. In September 2014 LAs published local transition plans setting out how they would manage this within the timeframe. Young people with LDAs have a right to request an EHC needs assessment.

Children with statements <u>in custody</u>	<ul style="list-style-type: none"> • From April 1st LAs must treat special educational provision in a statement as if it were a plan and the home LA has a duty to arrange it. • Children with statements have a right to request an EHC needs assessment while in custody. • LAs may carry out a transfer review while in custody
Young people with Learning Difficulty Assessments <u>in custody</u>	<ul style="list-style-type: none"> • Young people with LDAs have a right to request an EHC needs assessment while in custody.
Children with statements <u>on release</u>	<ul style="list-style-type: none"> • If a child has a statement when they are released, their home LA must conduct a transfer review as soon as possible on their release.
Young people with LDAs <u>on release</u>	<ul style="list-style-type: none"> • If the young person has an LDA when they are released, their home LA should take all reasonable steps to inform them of their right to request an EHC needs assessment.
Children with statements <u>in custody after April 2018</u>	<ul style="list-style-type: none"> • Home LAs must carry out an EHC needs assessment in custody as soon as possible and in the meantime the special educational provision in the statement must be treated as if it were a plan and the home LA has a duty to arrange it.
Young people with LDAs <u>after September 2016</u>	<ul style="list-style-type: none"> • Home LAs may carry out an EHC needs assessment in anticipation of 1 September 2016 or must as soon as possible after the 1st September where it believes a YP will return to education on release.

Information, advice and support for children, young people and parents

If the LA considers that information, advice or support is necessary for the child in custody, their parent or the young person in custody to enable them to take part effectively in an EHC needs assessment, they **must** provide it.

Information, advice and support is provided by Information Advice and Support Services in each local authority as set out in Chapter 2 of the Code of Practice.

Information, advice and support as set out under the Children and Families Act is specific to SEN and disability. It is not the same as any requirements to provide information, advice and guidance (IAG) to children and young people in custody.

In practice the IAS on the EHC assessment and plan processes will most likely be provided by those working closely with the child or young person on a regular basis, for example an advocate or YOT case worker.

In cases where specialist knowledge is required, for example appeals to the Tribunal, children and young people in custody may need to access the IAS service in their home authority.

Template letter for requesting an EHC needs assessment for a child or young person in custody

PRIVATE AND CONFIDENTIAL

Insert your address
Telephone number
Email address

[Insert name and address of local authority]

[Insert date]

- REQUEST FOR EHC NEEDS ASSESSMENT -

Dear

INSERT NAME OF CHILD OR YOUNG PERSON AND DOB

INSERT ADDRESS

[I am the parent of [insert name of child or young person] or if a young person is writing in their own name, my name is [insert name of child or young person, or I am the person in charge of [insert name] custodial establishment] and am writing to request an Education, Health and Care needs assessment under section 71 of the Children and Families Act 2014 (Assessment of post-detention education, health and care needs of detained persons).

I believe that [name] is entitled to an assessment of their needs because it may be necessary for special educational provision to be made for him/her in accordance with an Education, Health and Care plan on his/her release from custody.

[If you have further details you would like to include, you can set them out here – this is not a requirement. For example:

- the child or young person's special educational needs
- details of the child or young person's most recent education setting



- what steps have been taken to date to meet the child or young person's special educational needs including any provision any additional intervention or support provided
- rates of progress / attainment and why you think the child or young person is not making expected progress
- and where appropriate the provision that you think that they might need]

[If you have any evidence you would like to include and be considered, you can set them out here – this is not a requirement.]

[I confirm that an EHC post detention needs assessment has not been undertaken during the previous six months] OR [although an EHC needs assessment has been completed within 6 months I consider it is necessary for a further assessment to be undertaken because [insert reasons here].

I look forward to hearing from you by no later than [insert date 6 weeks from the date of the letter].

Please kindly acknowledge receipt of this letter by return.

Yours faithfully

[Insert name]

Glossary

This is a glossary of some of the terms used in this document. A full glossary of terms can be found in the SEND Code of Practice.

Clinical Commissioning Group	CCGs are NHS organisations set up by the Health and Social Care Act 2012 to organise the delivery of NHS services in England.
Home local authority	For a CYP with an EHC plan this is the local authority which maintained their EHC plan when they were in the community. In custody a request for an EHC needs assessment must be made to the LA where the CYP is 'ordinarily resident'.
Local Offer	LAs in England are required to set out in their Local Offer information about provision they expect to be available across education, health and social care for CYP in their area who have SEN or are disabled.
Mediation	This is a statutory service commissioned by LAs which is designed to help settle disagreements between parents or young people and local authorities over EHC needs assessments and plans and which parents and young people can use before deciding whether to appeal to the First-Tier Tribunal about decisions on assessment or the special educational element of a plan.
Parent	The term 'parent' includes any person who is not a parent of the child, but has parental responsibility or who cares for him or her.
Relevant youth accommodation	Secure children's homes, secure training centres, young offender institutions and secure colleges.
First Tier Tribunal (SEND)	An independent body which has jurisdiction under section 333 of the Education Act 1996 for determining appeals by parents against LA decisions on EHC needs assessments and EHC plans.
SEND 0-25 Code of Practice	The Code provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England.
Young person	A 'young person' in this context is a person over compulsory school age and under 25. For the provisions relating to young people in custody, these apply to age 18 and under.
Youth Offending Team	YOTs are part of local authorities. They work with local agencies to run local crime prevention programmes, help young people at the police station if they're arrested, help young people and their families at court, supervise young people serving a community sentence and stay in touch with a young person if they're sentenced to custody.