



# Young People with SEN in the youth justice system

## Kent Operational Guidance



February 2021

# Contents

1. Introduction and background	3
2. Children or young people with no current EHCP	3
3. Roles and responsibilities	4
4. The SEND Assessment and Placement Teams	4
5. Kent Youth Justice (YJ) Teams	4
6. Information Advice and Support Kent (IASK)	4
7. Remand to Youth Detention Accommodation	5
8. Sentenced and remanded children and young people	5
9. Transition to the adult estate	6
10. Operational Flowchart	7
11. SEN and YJ Team contact details	8

## Introduction and background

On the 1 September 2014 the Children and Families Act came into effect and with it a number of reforms and new duties were placed on local authorities regarding services and support delivery for disabled children and young people and those with Special Educational Needs (SEN).

The following guidance sets out the partnership arrangements between the Kent Youth Justice Teams and the SEN Assessment and Placement Teams in response to children and young people with Special Educational Needs and Disabilities (SEND) and in particular those with an Education, Health and Care plan (EHCP), who are placed within the secure estate.

The 2014 legislation applies to children and young people, 18 years and under, who have been placed in a Young Offender Institution (YOI) a Secure Training Centre (STC) or a Secure Children's Home (SCH) in England.

Kent County Council (KCC) as a local authority has a duty to ensure that these children and young people continue to have provision for Special Educational Needs and Disabilities made available to them in the secure estate and upon their release back into the community.

## Children and young people with no current EHCP:

Where an EHCP is not already in place, but there is SEND, KCC should determine whether a post-detention Education, Health and Care (EHC) needs assessment is required. The child or young person, parent, YJ practitioner or secure estate can request an EHC needs assessment, and KCC must consult the child or young person, their parent or the secure estate when considering this request; they must also inform them of the decision as to whether an EHC needs assessment will be necessary within 6 weeks of the request.

If agreed, the EHC Needs Assessment and the subsequent decision as to whether it is appropriate for an EHCP to be issued, should take place whilst the child or young person is in custody. The focus of the assessment must be on post detention needs and provision. Where an EHCP is issued while a young person is still in custody the local authority must keep the plan and arrange for the provision in the EHCP. In practice this will be delivered by an educational provider under contractual arrangements.

The purpose of an EHC plan is to make provision that is additional to that which can normally be provided within a mainstream setting to meet the child or young person's Special Educational Needs, to secure the best possible outcomes across Education, Health and Social Care and prepare the child or young person for adulthood.

The request for post-detention EHC Needs Assessment to the point of issue of the final EHC plan must take no more than 20 weeks. The timeline for this is as follows: The Local Authority will determine whether an EHC Needs Assessment is appropriate by week 6 from the date of the request, following the EHC Needs Assessment the decision will then be made as to whether an EHCP should be issued and if this is agreed, following consultation with the young person and parents, a final EHCP must be issued within 20 weeks of the request for the post detention EHC Needs Assessment.

Whilst the detained person is in custody, the local authority must not amend the EHC plan, carry out a reassessment or cease to maintain the EHC plan.

## Roles & Responsibilities

### **The SEN Assessment and Placement Teams:**

The SEN Assessment and Placement Teams are responsible for children and young people with EHC plans, and for EHC Needs assessments being undertaken. They will be able to provide details of a current EHC plan upon request.

SEN Assessment and Placement Teams will also be able to provide YJ teams with information relating to a child or young person for whom the education provider was in receipt of High Needs Funding.

The YJ team must notify the relevant SEN Assessment and Placement Team when a young person is detained. If the young person has an EHCP it must be sent to the YJ team, the person in charge of the relevant youth accommodation and the detained person's health commissioner within 5 working days of becoming aware of the detention.

The SEN Assessment and Placement Team is responsible for EHC Needs assessments and the issue and maintenance of the EHCP within the timescales as described.

### **Information Advice and Support Kent (IASK) support service:**

The Youth Justice Team with case responsibility for the child/young person in custody will ensure that the parents/carers are aware of the support available from Information Advice & Support Kent where there is either an Education Health Care Plan in place or there is an agreement that an assessment is necessary.

IASK will provide:

Legally based advice, information and support on educational matters relating to special educational needs and disabilities and information and support to enable parents, children and young people to:

- (i) fully participate in discussions and make informed decisions,
- (ii) express their views and wishes about education and future aspirations,
- (iii) be in a position to advocate for themselves and to be independent.

## **Remand to Youth Detention Accommodation:**

In conjunction with the relevant Social Work Team, the YJ practitioner is responsible for producing a Detention Placement Plan (DPP) for every child or young person remanded to Youth Detention Accommodation. This plan must be prepared within 10 working days of the remand and must include (in addition to other information) the arrangements made for the child's health (including physical, emotional and mental health) and the arrangements made for the child's education and training.

Information regarding any Special Educational Needs should be sought from the SEN Assessment and placement Teams, by the YJ or Transitions practitioner, to inform the DPP and any subsequent review plans during the remand period and following release into the community.

Special Educational Provision should continue whilst the child or young person is in a secure setting and any EHC plans in place prior to sentence or remand should inform placement and resettlement plans. The YJ case holder or Transitions practitioner will be responsible for liaison with the SEN Assessment and Placement Teams to gather relevant information to inform planning.

## **Sentenced and remanded children and young people:**

The EHC plan must not cease when a child or young person enters custody, it must remain on hold. When the child or young person is released, the EHC plan is immediately active and the SEND team must review the plan as soon as possible. YJ must therefore notify the SEN Assessment and Placement Team of release.

Whilst the child or young person is in custody, the local authority must arrange appropriate Special Educational Provision as described in the EHC plan if practicable. This will be provided by the educational provider contracted by the secure estate. In practice the educational provision including that for additional support as part of an EHCP will be delivered by an educational provider under contractual arrangements with the YJB or the custodial operator. If it is not practicable to arrange the provision which is specified in the EHCP then provision corresponding as closely as possible to that in the EHCP must be arranged.

If the EHC plan specifies health provision, the health care commissioner must arrange this. If the health provision in the EHC plan is no longer appropriate the health care commissioner should review the child or young person's needs and arrange appropriate provision in custody. The YJ or Transitions practitioner should liaise with the case manager in the secure estate to ensure that this is arranged.

## **Transition to adult estate:**

The legal framework ceases to apply when a young person reaches 19 and/or moves into the adult estate.

When a young person transitions to the adult estate the youth justice team must ensure that all relevant SEND information, including the EHC plan, is passed to the receiving establishment prior to transfer taking place. This will ensure that any additional support needs are known by the receiving establishment.

Whilst there is no requirement on the local authority to retain the EHC plan on hold at this point, they may choose to, as if release is prior to the young adult's 25th birthday, the wider SEND framework will still apply in the community.

Allocated YJ practitioner informs SEN team within **24 hours** of sentencing or remand to Youth Detention Accommodation or RLAA.

Bail Refused/Sentence Notification to be forwarded by YJ to the relevant area email address on next page.

If the young person has an EHCP the SEN case worker will send this to the YJ area email address (on next page) **5 working days.**

YJ Practitioner will liaise with Social Worker to complete Detention Placement Plan for YP remanded to YDA or Initial Placement Plan for sentenced (custody) YP within **10 working days.**

#### If current EHCP

YJ will Liaise with SEN Team to ensure that provision is appropriate and practicable

If provision not practicable SEN will review EHCP and arrange appropriate provision

Provision described in the EHCP will be provided by the contracted provider

#### If no EHCP

YJ will liaise with SEN to determine whether a post detention EHC Needs Assessment is required

a decision to proceed with an assessment needs to be made within 6 weeks

if yes the EHCP must be issued within **20 weeks**

YJ inform SEN team of release date.

at the point of the final release planning meeting for sentenced young people and as soon as is practicable for those released from YDA (using contact details on next page).

SEN reviews EHCP and arranges provision upon release.

If YP moves to adult estate YJ must inform them of any SEN. The LA may keep the EHCPs on hold whilst in custody but there is no duty to do so. Should the YP return to education on release, the LA will once again maintain the EHCP until their 25th birthday. In these cases SEN will follow up with the young adult/family.

## Youth Justice SEN Operational Flowchart

## Young People in a Secure Estate

## SEND team contacts:

<b>East Kent</b>	Brook House, Reeves Way, Whitstable, Kent, CT5 3SS Tel: 03000 42 11 60 <b>Email: <a href="mailto:SENEast@kent.gov.uk">SENEast@kent.gov.uk</a></b>
<b>North Kent</b>	Joynes House, New Road, Gravesend, Kent, DA11 0AT Tel: 03000 41 93 45 <b>Email: <a href="mailto:SENNorth@kent.gov.uk">SENNorth@kent.gov.uk</a></b>
<b>South Kent</b>	Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU Tel: 03000 42 08 89 <b>Email: <a href="mailto:SENSouth@kent.gov.uk">SENSouth@kent.gov.uk</a></b>
<b>West Kent</b>	Worrall House, 30 Kings Hill Avenue, West Malling, Kent, ME19 4AE Tel: 03000 42 09 97 <b>Email: <a href="mailto:SENWest@kent.gov.uk">SENWest@kent.gov.uk</a></b>

## YJ Team contacts:

<b>East Kent</b>	Thanet Youth Hub, Quarterdeck, Youth Centre, Zion Place, Margate CT19 1RP Tel: 03000 411084 <b>Email: <a href="mailto:YJEast@kent.gov.uk">YJEast@kent.gov.uk</a></b>
<b>North Kent</b>	Joynes House, New Road, Gravesend DA11 0AT Tel: 03000 412100 <b>Email: <a href="mailto:YJNorth@kent.gov.uk">YJNorth@kent.gov.uk</a></b>
<b>South Kent</b>	Shepway Youth Hub, 5 Grace Hill, Folkestone CT20 1HA Tel: 03000 421550 <b>Email: <a href="mailto:YJSouth@kent.gov.uk">YJSouth@kent.gov.uk</a></b>
<b>West Kent</b>	Infozone Youth Hub, 3 Palace Avenue, Maidstone Tel: 03000 413777 <b>Email: <a href="mailto:YJWest@kent.gov.uk">YJWest@kent.gov.uk</a></b>



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