

# Education, Health & Care (EHC) Needs Assessments & EHC Plans

## Guidance Related to Detained Young People

This advice relates to young people with significant special educational needs or disabilities (SEND) who are detained in a secure children's home, secure training centre/college or a youth offending institution.

### **The Local Offer**

Nottingham City's Local Offer is the central place to access all information about services and support available to children and young people with SEND and their families. It includes information about education, leisure, social care and health services from birth to 25, to help children and young people and their families to make informed choices.

Nottingham City's Local Offer can be found at: [www.nottinghamcity.gov.uk/localoffer](http://www.nottinghamcity.gov.uk/localoffer)

### **Educational Support**

The SEND Code of Practice makes it clear that provision for young people with SEND is a matter for all establishments who make education provision. Every setting will undertake a continuous cycle of planning, teaching and assessing, which takes account of the wide range of abilities, aptitudes and interests which is a feature of every group of young people. The majority of young people will learn and make progress within these arrangements.

The Code of Practice also expects intervention for pupils with SEN Support, to be additional to or different from the differentiated curriculum provision, which is made for all young people.

### **Health Support**

NHS England is the commissioner of healthcare services in prisons and custodial establishments (with the exception of some emergency care, ambulance, out of hours and 111 services) and manages contracts with healthcare providers to ensure the delivery of agreed services for detained persons.

Standards for the health care of detained persons in secure settings are available from the website of the Royal College of Paediatrics and Child Health. These standards include guidance on entry and assessment, care planning, physical and mental health, transfer and continuity of care and multi-agency working.

### **Social Care Support**

Young people who are detained are now automatically considered as Looked After Children following the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Upon release from detention, young people up to the age of 19, (and in some circumstances beyond that age) will receive services under the Leaving Care Act 2014.

## **Multi-Agency Planning and Support**

When a young person becomes newly detained, the Youth Justice Service will undertake a screening exercise using the Comprehensive Health Assessment Tool (CHAT), which includes screening for speech, language, communication and neuro-disability. This tool will contribute to identifying whether a young person has significant additional or special educational needs.

For a small amount of young people detained before April 1<sup>st</sup> 2015, parents/carers, the secure establishment, or professionals working with a young person may feel that the young person's needs are not being met by the support available and therefore the CHAT screening tool could be completed at this stage.

If it becomes clear that the extent of the young person's needs have not been fully identified, or that, despite receiving appropriate support, the young person is not making good progress, parents/carers, the setting, or professionals working with the family can request an Education, Health and Care (EHC) needs assessment. The process takes up to 20 weeks to complete.

## **Education, Health & Care Plans**

An Education, Health and Care (EHC) plan brings together a young person's education, health and social care needs into a single legal document. It describes the outcomes the young person should work to achieve, what support is needed for them to do this, who will provide the support, and when the support will happen. An EHC plan can continue up to the age of 25 if necessary.

## **Requesting an EHC Needs Assessment for a Detained Person**

The following people have a specific right to request an assessment for a detained young person:

- The carer/parent of the young person
- A young person between the ages of 16-18
- A person acting on behalf of the custodial setting

In addition, anyone else can bring a detained young person who has (or may have) SEND to the attention of the local authority. This could include:

- Foster carers
- Health and social care professionals
- Educational psychologists
- Youth offending teams

This should be done with the young person's and parent/carers' knowledge and, where possible, agreement. You can apply for an EHC needs assessment via the following website:

[www.nottinghamcity.gov.uk/information-for-residents/education-and-schools/special-educational-needs-service/](http://www.nottinghamcity.gov.uk/information-for-residents/education-and-schools/special-educational-needs-service/)

## **The Decision-making Process**

Once the SEN Service receives your application, it will notify relevant parties, including consulting the detained young person and/or their family, and the person in charge of the custodial setting. It will seek evidence about the young person's needs, academic attainment, progress, engagement with education and action taken by his/her previous educational setting. The information will then be considered to decide if an EHC needs assessment is required.

### **Decision Not to Proceed with an Assessment**

Where a decision is made not to proceed with an assessment, a notification outlining the reasons will be sent to parents / carers and / or the young person.

### **Carrying Out the Assessment**

If an assessment is required, all relevant parties will be notified telling them this and outlining the assessment process. The Local Authority will then gather further information and advice from relevant parties to add to the information already provided. At this point, the custodial setting will only be asked for information relating to the educational outcomes for the young person, and the support they consider the young person requires.

### **Deciding If an EHC Plan is Needed**

The SEN Service will consider all the information and decide whether to issue an EHC plan. If an EHC plan is not issued, the parent carer and/or young person will be notified giving the reasons. If they disagree with the reasons for not issuing an EHC plan, they may find it helpful to meet with an Officer from the SEN Service to discuss their concerns. They may also wish to request mediation services to help resolve any disagreements. In addition, they will have the right of appeal.

If a draft EHC plan is issued, the sections about the educational placement and the personal budget will not to be completed. The parents/carers and/or the young person will be asked to identify within 15 days which educational setting they would like the Local Authority to consult about a place for the young person to attend upon release. Parents/carers and/or the young person will also be able to comment on the content of the EHC plan and can consider post-detention personal budget options.

### **Placement Consultation and Issue of the Final Plan**

When a draft EHC plan is issued for a young person due to be released imminently, educational settings have 15 days to respond to the consultation. They will be asked to comment on whether:

- the education setting is suitable to the young person's age, ability or aptitude or to their special educational needs
- the child's/young person's attendance would be compatible with the efficient education of the children/young people with whom he/she would be educated
- the child's/young person's attendance would be compatible with the efficient use of resources

The Local Authority is required to give very careful consideration to the views expressed by those consulted, before making the decision to name a particular educational setting.

If the young person's release date is not imminent, the Local Authority will name a type of setting in the final EHC plan. In such cases, specific discussion with parent/carers and/or young person will take place in a timely fashion to ensure that appropriate provision is secured for the young person to attend upon release from custody.

**The EHC Needs Assessment Timeline:** the process takes a maximum of 20 weeks:

**WITHIN 6 WEEKS OF THE REQUEST BEING RECEIVED:**

A completed EHC needs assessment request is received by the SEN Service.

The SEN Service gets in touch with relevant parties and collects supporting information.

Professionals consider the request and supporting information and decide if an assessment is required:

**If an assessment is not required:** the SEN Service notifies the young person and/or parent/carer outlining the reasons for the decision and giving recommendations that will help meet the young person's needs.

**If an assessment is required:** the SEN Service informs the young person and or parent/carer of the decision. It requests reports from the custodial setting, an educational psychologist, Health services, Social Care, Youth Justice Service and other relevant services. It also requests educational advice.

**UP TO THE END OF WEEK 14:**

The people asked to provide information write their reports and send them to the SEN Service.

A range of professionals consider the reports and decide whether to issue an EHC plan:

**If an EHC plan is not required:** the young person and/or parent/carer will be notified why a plan is not required. Information about mediation and right of appeal will also be available.

**If an EHC plan is required:** the plan is written and young person and or parent/carer, and the professionals that wrote the reports will have access to it.

**UP TO THE END OF WEEK 20:**

The young person and/or parent carer are invited to comment on the content of the EHC plan and state which educational setting they would like naming in the plan. They have 15 days to do this.

If the release date is imminent, the SEN Service will consult education settings, who are given 15 days to respond.

A placement (or placement type) is identified and any additional support agreed. The final EHC plan is issued to the young person and/or parent/carer, and all other involved parties.

### **Further Support and Advice**

Information on the Children and Families Act 2014 is available at: [www.gov.uk](http://www.gov.uk)

The SEND Code of Practice can be downloaded from this link:

[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

The DfE has published a guide for schools:

[www.gov.uk/government/publications/send-guide-for-schools-and-alternative-provision-settings](http://www.gov.uk/government/publications/send-guide-for-schools-and-alternative-provision-settings)

The DfE has published a guide for providers of further education:

[www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system-further-education](http://www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system-further-education)

The DfE has published a guide for detained person's provision:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398993/Consultation\\_gov\\_resp\\_detainees\\_with\\_SEN\\_280115.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398993/Consultation_gov_resp_detainees_with_SEN_280115.pdf)