**Cheshire West and Chester**

**Children and Young People aged 18 and under with Special Educational Needs in Youth Custody**

Young people in custody are some of the most disadvantaged in society with many having complex needs. A much higher than average percentage has an Education Health Care Plan (EHCP) than the general population. Research suggests that that the prevalence of neuro-developmental disorders, such as autism; dyslexia; epilepsy and communication disorders among young people in custody is higher than the general youth population and that over 60% of those in the youth justice estate have difficulties with speech, language and communication.

Youth offenders have often had poor previous experiences of education including low attainment; persistent truancy and exclusion. To help address these issues the Government introduced new duties through the Children and Families Act 2014 to improve identification, assessment and support for children and young people aged 18 and under in youth custody with special educational needs. These duties are designed to:

- Provide continuity by making the child/young person’s home local authority responsible for their special educational provision in the community and in custody.
- Helping resettlement by ensuring that appropriate special educational provision continues when a child/young person returns to the community.
- Making best use of the time in custody by enabling assessment of the child/young person’s special educational needs to get underway and support to be put in place immediately they are released.

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**Children and Families Act Duties for the Home Local Authority (HLA)**

- Must not cease an EHCP for a child/young person when they enter custody and must maintain and review it when the child/young person is released.
- Must send the child/young person’s EHCP to the Youth Justice Team (YJT) who will share it with the person in charge of the custodial establishment and the appropriate health commissioner within 5 working days of becoming aware of the detention.
- Must arrange appropriate special educational needs (SEN) provision for a child/young person with an EHCP while they are in custody, if practicable.
- Should consider whether any social care needs specified in the EHCP will remain while the child/young person is in custody and provide appropriate provision if necessary.
- Must consider whether to carry out an Education, Health and care assessment on request from the parent of a child in custody, a young person in custody or the person in charge of the custodial establishment or when the child/young person is brought to their attention as someone who has or may have SEN.
- Must provide information, advice and support if necessary for the child, /young person or parent to enable them to take part effectively in the EHC needs assessment.
- Must secure EHC plans for a child/young person where necessary. Plans in custody must relate to provision to be made on release.
- Must cooperate with youth custodial institutions, Youth Justice Teams, Clinical Commissioning Groups (CCG) and NHS England.
- Must make parents and young people aware of their rights to appeal to the SEN and Disability Tribunal if they disagree with a decision of the local authority not to carry out an EHC needs assessment; not to prepare an EHC plan following an assessment; or about Section I of the EHC plan (named educational establishment).
- Must review a child/young person’s EHCP as soon as possible on release to ensure it still reflects the child/young person’s needs and to identify an appropriate education setting.
Children and Families Act Duties for the Health Provider:

- Must arrange appropriate health care provision as specified in the Education Health and Care Plan, if practicable.

Responsibility for Education Provision

Responsibility for education provision in the secure estate is arranged by the Ministry of Justice and Youth Justice Board through contracts with private providers and persons in charge of establishments must ensure that appropriate provision is made for children and young people with special educational needs. Close working across a number of agencies including the police; children/young people and their parent/carers; Youth Justice Teams; local authority SEND, social care and other teams; and clinical commissioners for health and education institutions.

Supporting Cheshire West and Chester Children and Young People with SEN in Youth Custody

Cheshire West and Chester SEN team and Cheshire West, Cheshire East, Warrington and Halton Youth Justice Service (YJS) have agreed ways of working and the key point of contact is between the Youth Justice Service Manager and the Post 16 SEN Manager.

- The YJS Education Officer informs the SEN Manager and the Designated Clinical Officer (DCO)/Designated Medical Officer (DMO) by telephone/email of any child or young person who has gone into custody.
- The SEN Manager will check the SEN status of the child or young person and share EHC plans and other relevant information with the YJS Education Officer within 5 working days.
- The DCO/DMO will check the Health status of the child or young person and share relevant information with the YJS Education Officer within 5 days.
- The YJS Education Officer will update the SEN Manager and DCO/DMO on progression of young people in custody.
- The YJS Education Officer will support the young person, parent or person in charge of the custodial establishment if a request for
assessment is appropriate using the Local Offer http://www.westcheshirelocaloffer.co.uk

- A SEN Advisory Officer (SENAO) will attend the initial sentence planning meeting with Young People’s Service (YPS); YJS Case manager YJS Education Officer, Health Worker, Social Worker and Police as appropriate to share information for sentence; review the suitability of the plan and begin re-settlement planning.
- A SENAO may attend mid-sentence reviews if necessary to support the resettlement plan.
- A SENAO will attend the final re-settlement planning meeting with YPS; YJS Case manager YJS Education Officer, Health Worker, Social Worker and police as appropriate to review the EHCP and resettlement plan to ensure appropriate provision and support is in place.

Key Contact Details

CWAC SEN Team

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Youth Justice Team

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NHS South Cheshire CCG and Vale Royal Clinical Commissioning Group (CCG)

Gill Tyler - Designated Clinical Officer (DCO) giltyler@nhs.net 01270 275246

NHS West Cheshire CCG

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Useful websites:


Council for Disabled Children https://councilfordisabledchildren.org.uk

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