### Policy

**Bracknell Forest Youth JusticeTeam & Special Educational Needs Team supporting Young People with Special Educational Needs in The Youth Justice System**

**Introduction**

This policy sets out the arrangements that Bracknell Forest LA implement in order to meet the requirements of the Children and Families Act 2014 in relation to children and young people aged 18 and under who have been remanded or sentenced by the courts to relevant youth accommodation and have Special Educational Needs.

### What is SEN (Special Educational Needs)?

* A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.
* A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
	+ has a significantly greater difficulty in learning than the majority of others of the same age, or
	+ has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

### What is YJT (Youth Justice Team)

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The YJT ETE officer works in collaboration with Case Managers to link with education providers on all matters relating to ETE. In addition, the ETE worker will carry out ETE assessments of young people on Statutory supervision and provide an intervention programme which is tailored to the individual needs and risk of offending. The ETE worker will also work on a one to one basis with young people working with YJT both on Statutory supervision and Prevention, to enable them to gain access to education, training or employment including young people with SEND.

The ETE worker will also represent the YJT in education forums, liaison meetings and multi-agency working groups to provide a holistic service to clients to prevent school and social exclusion.

### What is an EHCP (Education, Health and Care Plan)?

EHC Plans were introduced by the Children and Families Act 2014 to

replace Statements of Special Educational Needs (SEN) from 1st September 2014.

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| A Local Authority will issue an EHC Plan if it considers that the special educational |
| provision required to meet a child or young person’s needs cannot reasonably be |
| provided from within the resources normally available to mainstream early years |  |
| providers, schools and post-16 institutions. Children and young people with special |
| educational needs and/or disabilities (SEND) up to the age of 25 are eligible. |  |

**Responsibilities: Custody**

Within 24 hours of a young person either being remanded in custody or sentenced to a custodial sentence the YJT Education Worker will notify the special educational needs department with the relevant information (including the name of the allocated YJT case manager) so that information can be sought regarding their SEN or as to whether they are subject to an Education, Health and Care plan (EHC) or in the process of an EHC needs assessment.

Within 24 hours, YJT will also provide the SEN department with the ASSETPLUS assessment, Mental Health Screening Tool, Pre-Sentence report (where applicable) and any relevant additional assessments, including Risk of Serious Harm and Vulnerability plans for all young people who are either subject to an EHC or in the process of an EHC assessment.

Where a young person is subject to an EHC plan or in the process of an EHC assessment and has been sentenced to custody or a Detention Training Order (DTO), the YJT will facilitate the attendance of a named SEN officer at the initial planning meeting within the secure estate so that identified services within the EHC can be planned and instigated as part of the whole sentence or DTO plan. The YJT will also facilitate the attendance of a named SEN Officer at subsequent reviews within the secure estate to ensure that the EHC plan is reviewed in line with the sentence or DTO plan and that a suitable and fulltime provision is planned for release.

If a young person in custody is not subject to an EHC plan, but based on the ASSET assessment the YJT case manager believes that there may be an unidentified SEN, the case manager will discuss it with a YJT operations manager who will then make a decision whether to bring it to the attention of the SEN department.

### Responsibilities: Resettlement

Every effort should be made to ensure that the identified education placement, will start on the day after release from the secure establishment, it should be fulltime and meet the identified needs of the EHC plan.

Under Youth Justice Board National Standards a post release review will be held within ten working days of release. The YJT case manager and YJT Education Worker will ensure that a Representative from the education provision and the named SEN representative will be invited to the post review to discuss the education provision and the resettlement plan in general. The meeting will be chaired by a YJT Operational Manager and review paperwork shared within 5 working days.

Further licence review meetings will take place every 3 months until the end of the licence period and will follow the same format as the post release review.

### What does it mean for children and young people who enter custody with an EHCP?

This sets out the new legal framework for children and young people who enter custody with EHC plans. These children and young people will have been assessed in the community as having SEN and requiring an EHC plan to meet their needs. For these children and young people:

* Home local authorities must not cease an EHC plan when a child or young person enters custody, the home local authority must keep it on hold.
* When the child or young person is released, the EHC plan is immediately active and the home local authority must review the plan as soon as possible.
* While the child or young person is in custody, the home local authority must arrange special educational provision for them.
* This provision must be that which is set out in the EHC plan, unless this is not practicable (e.g. the plan references using computer software which is prohibited in the secure estate).
* In this case the home local authority must arrange provision corresponding as closely as possible to the EHC plan.
* If it appears that the SEN provision specified in the plan is no longer appropriate, the home local authority should review the child or young person’s needs and must arrange appropriate provision in custody.
* If the EHC plan specifies health provision, NHS England must arrange health provision for the child or young person. If this is not practicable, NHS England must arrange provision corresponding as closely as possible to it.
* If it appears that the health provision in the EHC plan is no longer appropriate, NHS England should review the child or young person’s needs and must arrange appropriate provision in custody.
* In order for home local authorities to meet these duties and fulfil the ‘musts’ set out above they will need to work very closely with youth offending teams, youth accommodation providers, education and health providers in custody.

### What does it mean for children and young people who enter custody without an EHCP?

This sets out the new legal framework for children and young people who enter custody and do not have an existing EHC plan. These children and young people have either:

1. Not previously been brought to the attention of the home local authority.
2. Been brought to the attention of the home local authority (not within the last 6 months) and considered for an assessment. As a result they may not have received an assessment, or following an assessment, they were not issued with an EHC plan.
* In these circumstances, the new legal framework sets out that:
	+ The detained young person, their parent or the person in charge of the custodial institution has the right to request that the home local authority secure an EHC needs assessment;
	+ In addition, anyone (e.g. a Youth Justice Team) can bring a child or young person to the attention of the home local authority if they are concerned that a child or young person has or may have SEN;
* If a child or young person is brought to their attention or a specific request is made, the local authority must determine whether to conduct an EHC assessment. When considering this the local authority must consult the young person or the child’s parent and the person in charge of the custodial establishment. The home local authority must inform them of the decision;
* The regulations and final statutory guidance within the SEND code of practice confirms a 20 week timescale will apply for this process in custody as it does in the community.
* The assessment and development of EHC Plans should take place while the child or young person is in custody. The focus of the assessment and plan must be on post detention needs and provision.
* If a child or young person’s assessment is completed and a final EHC plan is issued while in custody, the legal duties for children and young people with EHC plans in custody take effect.
* In order for home local authorities to meet these duties and fulfil the ‘musts’ set out above they will need to work very closely with their partners, using the cooperation duty where necessary.

**Appendix A: Contact Details**

SEN Team

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| **Name** | **Role** | **Contact Details** |
| **Clare Dando** | **Case Officer/YJT Link worker** | Clare.dando@bracknell-forest.gov.uk |
| **Neil Hoskinson** | **Head of Service** | **Neil.hoskinson@bracknell-foerst.gov.uk** |

Youth Justice Team

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| **Name** | **Role** | **Contact Details** |
| **Elly Wrighton**  | **YJT ETE Worker** **Operational Manager YJT**  | **elly.wrighton@bracknell-forest.gov.uk** |
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