

**Summary of statutory requirements relating to children and young people detained in youth custody with Education, Health and Care Plans (EHCP)**

**SEND Code of Practice 10.122:** Local Authorities (LA) **must not** amend, carry out a reassessment or cease an EHC plan when a child or young person enters custody. They must keep it while the detained person is detained and must review it when the detained person is released.

**SEND Code of Practice 10.66:** - If a detained person has an EHC plan before being detained the LA **must** arrange appropriate special educational provision for the detained person while he or she is detained. In practice the education provision in relevant youth accommodation will be delivered by the education provider under contractual arrangements with the YJB or custodial operator and commissioned centrally.

**SEND Code of Practice 10.66** - If the EHC plan for a detained person specifies health care provision, the health services commissioner for the relevant youth accommodation **must** arrange appropriate health care provision

**SEND Code of Practice 10.124** - It may not always be practicable to deliver the exact provision set out in the EHC plan. Where it is not practicable to arrange specified provision in the EHC Plan, the LA **must** arrange provision as close as possible to it and should work with the person in charge of the relevant youth accommodation to identify how to do so.

**SEND Code of Practice 10.133** - Where a detained person is in custody within a year of the last review of their EHC plan, the LA **should** conduct a monitoring meeting and continue to do so as a minimum every 12 months

**LONDON BOROUGH OF HAMMERSMITH AND FULHAM Youth Justice Service (YJS) – EHC PLANNING PROCESS**  
**FLOWCHART**

<b>Section of Code of Practice</b>	<b>Responsibility</b>	<b>Who?</b>	<b>When?</b>
<b>For Children and Young People with an EHCP</b>			
10.72	YJS will notify the EHC Planning Team and the YJS EP when a child or young person aged 25 or under is detained and is believed to have an Education, Health & Care Plan.	YJS Case Manager	Within five working days of becoming aware of the detention
10.73	The EHC Planning Team will send the C/YP's EHC Plan to the YJS Case Manager and YJS EP who will share this information with the detained person's custodial case manager to inform the work of key personnel who will be involved in delivering the detained person's sentence plan	EHC Planning Service & YJS Case Manager	Within five working days of the request
10.133	The YJS Case Manager, EHC Planning Team and EP will liaise with the relevant youth accommodation to organise a monitoring meeting as soon as practicable. This will consider how the special educational and health provision outlined in the EHC Plan will be arranged for the detained person in custody.	YJS Case Manager, EHC Planning Team and YOS EP	Within 10 days of detention
10.76	The YJS Case Manager and EHC Planning Team will request copies of the individual learning plan devised by the relevant youth accommodation.	YJS Case Manager and EHC Planning Team	Termly basis
10.133	The YJS Case Manager & EHC Planning Team should organise monitoring meetings as a minimum of every 12 months.	YJS Case Manager and EHC Planning Team	Every 12 months from the date of the last monitoring meeting
10.134	The YJS Case manager will inform the EHC Planning Team and the YJS EP when a detained person is due to be released from the relevant youth accommodation.	YJS Case Manager	Upon notification of release date
10.134	The YJS Case Manager & EHC Planning Team will liaise with the relevant youth accommodation to organise a meeting to focus on the C/YP's transition from custody. This will review the detained person's educational progress and their continuing special educational and health needs in preparation for their release.	YJS Case Manager, EHC Planning Team and YJS EP	As soon as possible when notified

10.136	Upon release the EHC Planning Team and YJS must review the EHC Plan as soon as possible.	YJS Case Manager and EHC Planning	As soon as possible upon release
<b>For Children and Young People without an EHCP</b>			
10.82 & 9.14	The YJS Case Manager will liaise with the EP for YJS and the CYP's most recent education setting about whether the CYP meets the criteria for an EHCP. Consideration should be given to section 9.14 of the SEND Code of Practice before an EHC assessment request is initiated.	YJS Case Manager	As soon as possible
10.82	If the YJS Case Manager and other professionals feel the criteria for an EHC needs assessment is met, the YJS Case Manager will bring the CYP to the attention of the EHC Planning Team with support from the YJS EP. A formal application will need to be made to the service.	YJS Case Manager and YJS EP	As soon as possible
10.82	Alternatively, the CYP or their parent, custodial staff or anyone working with CYP can bring the CYP to the attention of the EHC Planning Team to request an EHCP if appropriate.	Any relevant person	As soon as possible
10.84-10.114	The EHC Planning Team will follow statutory duties relating to assessing a CYP in custody for an EHCP, as outlined within pages 222-243 of the SEND Code of Practice.	EHC Planning Team	The whole process <b>must</b> take <b>no more than 20 weeks</b>
10.74	If the CYP does not meet the criteria for an EHCP, the YJS case manager will continue to promote the fulfilment of the detained person's learning potential while they are in custody and on their release.	YJS Case Manager	A decision as to whether an EHC Plan is needed will be made <b>by week 16</b> of the process

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