

Supporting Children and Young People with Special Educational Needs in Youth Custody

A PRACTICE GUIDE FOR THOSE WORKING
TO IMPROVE OUTCOMES FOR YOUNG
OFFENDERS WHO HAVE OR MAY HAVE
SPECIAL EDUCATIONAL NEEDS

Part 2 : Practice

Supporting children and young people with special educational needs in youth custody

IMPLEMENTING THE YOUNG OFFENDER DUTIES IN THE CHILDREN AND FAMILIES ACT 2014

About this resource

It's for:

- Directors of Children's and Adults Services and others local leaders
- Persons in charge of Youth Custodial Institutions
- Health service commissioners, including NHS England
- Local Authority Special Educational Needs (SEN) Teams
- Local Authority Youth Offending Team Managers
- Local authority looked after children teams

It provides:

Part 1

- A summary of the Children and Families Act duties on supporting children and young people with special educational needs in youth custody;
- Information and key questions for strategic leaders in developing local policies, commissioning services and establishing systems to meet the new duties; and

Part 2

- Information and key questions to help those putting the new duties into day to day practice.

The resource draws on discussions with local authority Youth Offending Teams and SEN Teams, Young Offender Institutions and other secure establishments, local education, health and social care professionals and NHS England at events organised by the Council for Disabled Children with the National Development Team for Inclusion between October 2015 and March 2016. The events were held to raise awareness and understanding of the Children and Families Act duties and discuss their implications for local practice.



Part 2

Meeting the special educational needs of young offenders – putting the new duties into practice

The key points in a child/young person's journey through the youth justice system in custody

The interactions between the Children and Families Act duties, youth offending duties and processes and other statutory frameworks, notably those for care planning and review under the Children Act 1989, provide new opportunities to better identify children and young people's special educational needs and improve the ways in which support is provided. They also present challenges for the various agencies involved in working in closer partnership, in their day to day practice, and across professional boundaries.

Many children and young people who are found guilty of an offence do not enter custody and are not subject to the Children and Families Act young offender provisions but instead receive a community sentence with conditions that are supervised by the YOT. Often, children and young people may be in breach of the conditions of their community sentence and return to court. It is just as important for local agencies to focus on identifying any special educational needs these children and young people may have so that support can be put in place which may help prevent them from ending up in custody.

Putting the new duties into practice

To help children/young people in custody address the issues underlying the behaviour that led them to be detained, to reduce the risk of reoffending and to support a successful return to the community, local services need to be:

- focused on improving outcomes for the child/young person;
- 'person centred' - involving the child/young person and their parents/carers in decisions;
- co-ordinated across agencies; and,
- effective in providing appropriate support.

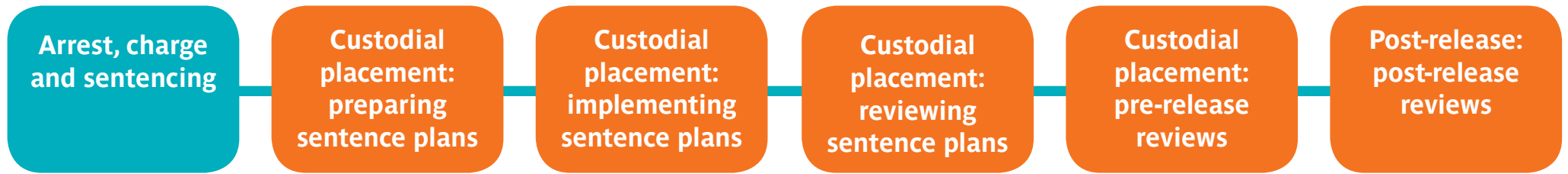
In improving support for young offenders with special educational needs there are four key questions for local teams to consider:

- How do we know whether a child or young person has/may have special educational needs?
- How do we find out?

- Who needs to be involved and how?
- How do we ensure we find out?

The notes that follow are for local authority Youth Offending Teams, SEN Teams, social work teams, local health services and custodial institutions in the youth justice estate. They:

- highlight the action taken at the key points of the child/young person's journey through youth custody and who needs to be involved; and,
- suggest some specific questions for local partners to consider at each point, with the aims of:
 - improving the way special educational needs are identified, education, health and care needs assessments are carried out, and Education, Health and Care plans put in place (where needed); and,
 - improving the way support is provided in custody and when the child/young person returns to the community.



WHO'S INVOLVED?

Police, child/young person, parents/carers, YOT, social worker, local authority SEN team, relevant health bodies (eg CCG, custodial health care provider)

WHAT HAPPENS

When a child/young person is arrested they are:

- released without charge,
- charged and given bail,
- charged and given a community based sentence, or
- charged and remanded to local authority accommodation or placed in youth detention

ON ARREST – WHO DOES WHAT?

- Notify parents/carers (Police)
- Provide appropriate adult if necessary (YOT)
- Check to see if child/young person has SEN (YOT)
- Tell appropriate adult/young person about SEND Information, Advice and Support Services (YOT/LA SEN Team)
- Share information about SEN (LA SEN Team)

WHEN CHILD/YOUNG PERSON IS CHARGED – WHO DOES WHAT?

- Prepare Pre-sentence/Referral Order report to guide Court/Referral Order Panel on sentencing and placement (YOT)
- Carry out assessment of child/young person using ASSET Plus tool (YOT)
- Prepare a Detention Placement Plan or care plan and placement plan for children previously looked after

QUESTIONS

NOTES

When a child/young person is arrested

What checks are made to see if they have any SEN, are looked after or have any mental health needs?

- Who checks, where and with whom?
- Who takes action to follow up?
- Is the process timely?

When a child/young person is charged

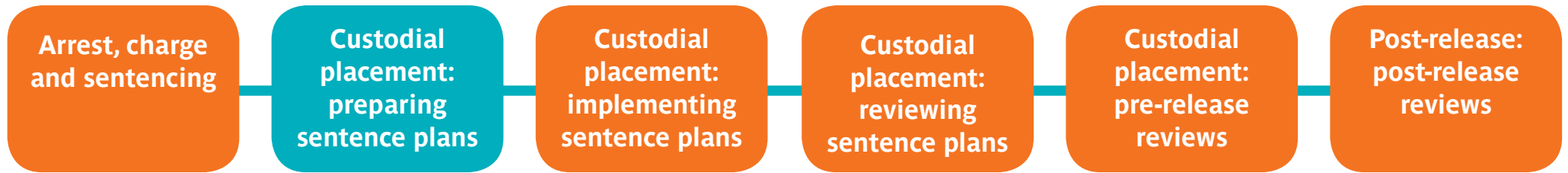
What are the mechanisms for gathering information about education, health and social care needs for pre-sentence reports and detention placement plans?

- Who leads/coordinates?
- Who are the contacts in each agency?
- How do you know whether these mechanisms are effective?

What processes are in place for:

- Sharing information about a child or young person's Education, Health and Care plan (where they have one)?
- Bringing a child/young person who may need an Education, Health and Care needs assessment to the attention of the LA SEN Team?
- Supporting children/young people and parents/carers to be involved in discussions and decisions?

How effective are these processes?



WHO'S INVOLVED?

- Child/young person, parents/carers, YOT, social worker and IRO (where relevant), local authority SEN team, relevant health bodies, secure establishment, including their education and health provider

WHAT HAPPENS

- When a child/young person is placed in custody they are assessed and a sentence plan is prepared identifying the activity they will undertake while in custody

WHO DOES WHAT?

- Information from ASSET Plus is sent to secure establishment (YOT)
- Initial assessment of child/young person carried out, including:
 - literacy and numeracy tests (secure establishment on entry)
 - health assessment of child/young person using CHAT (health provider on entry)
- Education, Health and Care plan (where there is one) sent to YOT, secure establishment & relevant health bodies within 5 days of detention (local authority SEN team)
- Child/young person or parents/carers told about SEND Information, Advice and Support Services (YOT/LA SEN Team)
- Initial planning meeting for sentence plan held within 10 days of sentencing (secure establishment to coordinate)
- Sentence Plan developed (YOT to coordinate)

QUESTIONS

NOTES

What mechanisms are in place for ensuring all relevant people contribute to the Sentence Plan?

How is the Sentence Plan agreed?

How do ASSET PLUS, CHAT and initial assessments in secure establishments contribute to decisions about whether a child/young person may have SEN?

How do you know the Sentence Plan will support a child/young person's SEN?

Where a child/young person already has an EHC plan on entry to custody

How are decisions made about what special educational provision and health provision is appropriate?

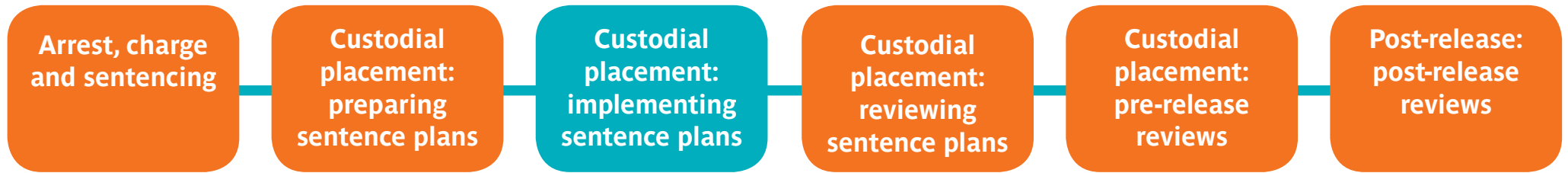
Who is involved and what factors are considered?

For children/young people who may need an Education, Health and Care needs assessment and plan on their release

How are they brought to the attention of the local authority SEN team?

When LA SEN team decides whether to carry out an EHC needs assessment:

- How are processes for gathering information tailored to children/young people in custody?
- How is the decision made when children/young people may have been out of education for some time?



WHO'S INVOLVED?

- Child/young person, parents/carers, YOT, social worker and IRO (where relevant), local authority SEN team, relevant health bodies, secure establishment, including their education and health provider

WHAT HAPPENS

- All relevant agencies contribute to implementing the child/young person's Sentence Plan

WHO DOES WHAT?

- Implementation of the child/young person's Sentence Plan is overseen by the secure establishment and YOT

QUESTIONS

NOTES

What mechanisms are in place to ensure all relevant people are involved in implementing the Sentence Plan?

- Who leads/coordinates?
- How do you know the arrangements are effective?

Where a child/young person has an EHC plan on entry to custody

How are decisions made about what special educational provision and health provision is 'appropriate' in custody? Who's involved in deciding what's practical and how?

For children/young people who may need an EHC needs assessment and a plan *on their release*

How are they brought to the attention of the local authority SEN team?

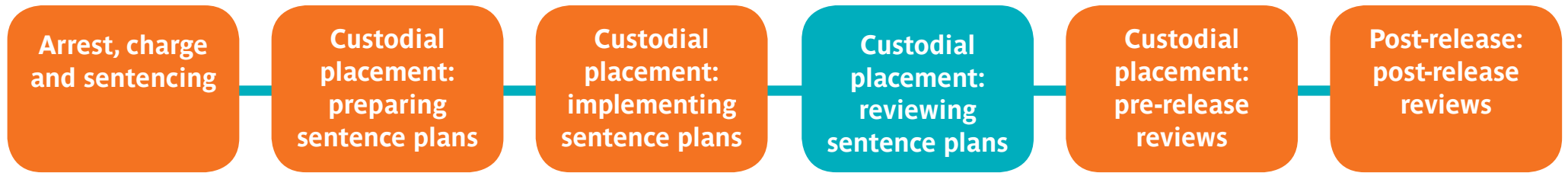
What factors determine whether to carry out an assessment?

What are the arrangements for managing EHC needs assessments in custody?

- How is access to the child/young person arranged?
- How is the assessment managed alongside the requirements of other reviews?
- How are parents and young people informed of SEN appeal rights?
- How effective are the arrangements?

What processes are in place for seeking additional education or health funding when appropriate provision can't be made from existing resources? Who is involved and how?

How effectively is implementation of Sentence Plans coordinated with care planning requirements for looked after children?



WHO'S INVOLVED?

- Child/young person, parents/carers, YOT, social worker and IRO (where relevant), local authority SEN team, relevant health bodies, secure establishment, including their education and health provider

WHAT HAPPENS

- All relevant agencies contribute to regular reviews of the child/young person's Sentence Plan

WHO DOES WHAT?

- Sentence Plan review meetings to be held every three months (secure establishment and YOT to arrange)
- Reviews should:
 - take account of information that builds on previous assessments;
 - amend the Sentence Plan to reflect action completed;
 - consider whether the right resources are in place to support the child/young person; and,
 - consider resettlement needs

QUESTIONS

NOTES

What mechanisms are in place for ensuring all relevant people, including parents/carers, are involved in reviews?

How do you know whether they are effective?

How are children/young people with different needs (including communication difficulties) supported to contribute to reviews?

What support is given and how do you know whether it is effective?

How are Sentence Plan reviews coordinated with other reviews, including SEN and looked after children reviews?

How do you know whether the arrangements working well?

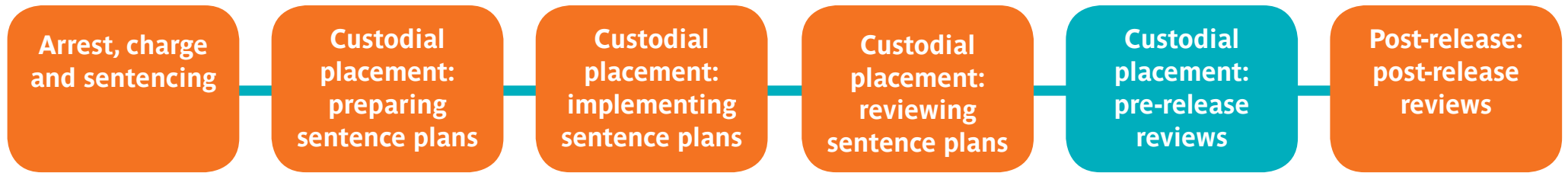
How can the various reviews be managed in ways that reduce duplication and minimise disruption?

When Sentence Plan reviews highlight the need to change the resources provided to support the child/young person, how are these changes made?

- Who is involved?
- How is action taken?
- How can current arrangements be improved?

What arrangements are in place to bring children/young people who may need an EHC needs assessment and a plan *on their release* to the attention of the local authority SEN team?

How effective are they?



WHO'S INVOLVED?

- Child/young person, parents/carers, secure establishment, including their education provider, YOT, social worker and IRO (where relevant), local authority SEN team, relevant health bodies, local authority children's services, careers advisory services, housing and community services

WHAT HAPPENS

- All relevant agencies to plan for the child/young person's release and resettlement in the community
- Accommodation arrangements to be confirmed by final review (at least 10 days before release)
- Education arrangements to be confirmed by final review (at least 10 days before release)

WHO DOES WHAT?

- First release preparation review meeting to be held one month before release (YOT and secure establishment to arrange)
- Final release preparation review meeting to be held two weeks before release (YOT and secure establishment to arrange)
- Assessments to be made to plan services ready for release (YOT and secure establishment to coordinate)
- Release plan to be developed for resettlement (YOT)

QUESTIONS

NOTES

What mechanisms are in place for informing all relevant people, including parents/carers, about the child/young person's release and involving them in pre-release reviews?

How do you know whether they work well?

How are children/young people with different needs (including communication difficulties) supported to contribute to pre-release reviews?

What support is given and how do you know whether it is effective?

What arrangements are made to ensure that:

- EHC plans drawn up in custody are implemented, including admission to an education establishment and provision to support preparation for adulthood?
- Pre-existing EHC plans taken into custody are reviewed, immediately on release?

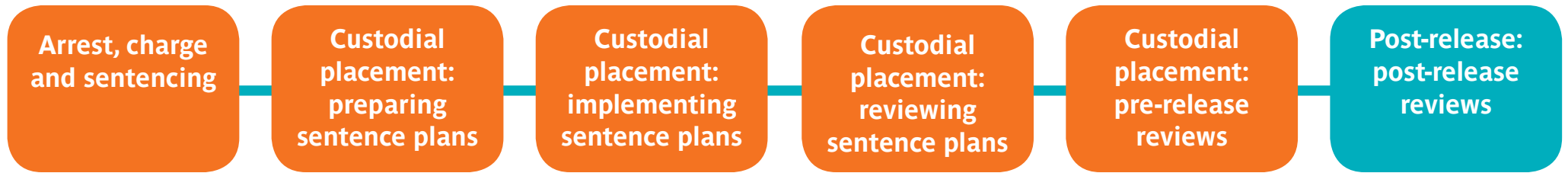
How do you know whether they are effective?

What processes are in place for children/young people *without* EHC plans to access appropriate special educational provision on release?

How do you know whether they are effective?

What arrangements are made to ensure the child/young person has somewhere to live, and access to information, advice and guidance, appropriate education, health and social care support on release?

How do you know whether the arrangements are effective?



WHO'S INVOLVED?

- Child/young person, parents/carers, secure establishment, YOT, social worker and IRO (where relevant), local authority SEN team, relevant health bodies, local authority children's services, careers advisory services, housing and community services

WHAT HAPPENS

- All relevant agencies review the effectiveness of plans for the child/young person's release and resettlement in the community

WHO DOES WHAT?

- Post-release meetings are held to consider whether appropriate support is in place for the child/young person and whether any further action is needed to deliver their resettlement plan (YOT to arrange)

QUESTIONS

NOTES

What mechanisms are in place for involving all relevant people in post-release reviews, including parents/carers?

How do you know whether they work well?

What arrangements are made to ensure that EHC needs assessments commenced in custody are completed in the 20 week timescale?
How successful are they?

What arrangements are in place to review the appropriateness of EHC plans completed in custody and make any necessary amendments quickly on release? How effectively do they work?

How do children/young people *without* EHC plans get appropriate special educational provision, health and social care support?

How do you know whether they are effective?

How effective are arrangements, for safeguarding and promoting the welfare of looked after children/young people?

Are children/young people accessing local advice, information and services in the community? Do you know whether they find it helpful?

Do children/young people have somewhere suitable to live, opportunities to make friends, and access to education, training and employment opportunities – including supported internships?
How do you know whether arrangements are effective?

How do you identify barriers to successful resettlement and steps that can be taken to overcome them?

Who needs to be involved and how? How do you assess success?



About the Council for Disabled Children

The Council for Disabled Children (CDC) is the umbrella body for the disabled children's sector in England, with links to the other UK nations. CDC works to influence national policy that impacts upon disabled children and children with Special Educational Needs (SEN) and their families. The CDC Council is made up of a variety of professional, voluntary and statutory organisations, including disabled young people and parent representatives. CDC's broad based membership and extensive networks of contacts provides a unique overview of current issues. It also enables us to promote collaborative and partnership working among organisations.

CDC hosts the following networks and projects:

IASS Network

Independent Support

Making Ourselves Heard

Preparing for Adulthood

Special Educational Consortium

Transition Information Network