

Policy

Sutton Youth Offending Team & Special Educational Needs Department **Young People with Special Educational Needs in The Youth Justice System**

Introduction

This policy sets out the arrangements that Sutton 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 YOT (Youth Offending Team)

The Youth Offending Teams are responsible for:

- Receiving notifications from Sutton Police as to the children and young people who have been “Charged” with one or more offences.
- Assessing children and young people using the AssetPlus tool (as required by National Standards for Youth Justice) to inform reports to Youth Offender Panels (Referral Orders) and to the Courts (Pre Sentence Reports).
- Planning youth justice interventions with the children / young people who have offended, their parents / carers and other services where relevant to addressing the risks and needs of those being supervised.
- Delivering the youth justice interventions with partner agencies as relevant.
- Reviewing the progress towards the objectives included in the Intervention Plans with all involved in their delivery.

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.

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.

Changes from the SEN Code of Practice (2001)

The main changes from the SEN Code of Practice (2001) reflect the changes introduced by the Children and Families Act 2014. These are:

- Code of Practice (2014) covers the 0-25 age range and includes guidance relating to disabled children and young people as well as those with SEN.
- There is a clearer focus on the participation of children and young people and parents in decision-making at individual and strategic levels.
- There is a stronger focus on high aspirations and on improving outcomes for children and young people.
- It includes guidance on the joint planning and commissioning of services to ensure close co-operation between education, health and social care.
- It includes guidance on publishing a Local Offer of support for children and young people with SEN or disabilities.
- There is new guidance for education and training settings on taking a graduated approach to identifying and supporting pupils and students with SEN (to replace School Action and School Action Plus).
- For children and young people with more complex needs a co-ordinated assessment process and the new 0-25 Education, Health and Care plan (EHC plan) replace statements and Learning Difficulty Assessments (LDAs).
- There is a greater focus on support that enables those with SEN to succeed in their education and make a successful transition to adulthood.
- Information is provided on relevant duties under the Equality Act 2010.
- Information is provided on relevant provisions of the Mental Capacity Act 2005.
- There is new guidance on supporting children and young people with SEN who are in youth custody.

Changes from the Childrens & Families Act 2014 in relation to the SEN Code of Practice (2001) - young people in custody, Sutton YOTS responsibilities

Responsibilities custody

Within 24 hours of a young person either being remanded in custody or sentenced to a custodial sentence the YOT Education Worker will notify the special educational needs department with the relevant information (including the name of the allocated YOT 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** the YOT will also provide the SEN department with the ASSET assessment, Mental Health Screening Tool, Pre-Sentence report (where applicable) and any relevant additional assessments, including Risk of Serious Harm (ROSH) 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 YOT 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 YOT 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 YOT case manager believes that there may be an unidentified SEN, the case manager will discuss it with a YOT operations manager who will then make a decision whether to bring it to the attention of the SEN department.

Responsibilities post release

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 YOT case manager and YOT 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 YOT operational Manager and review paperwork shared within 5 working days.

Further resettlement 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 offending 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

SEN Transitions Team + Youth Custody

Name	Role	Contact Details
April Gibson (Temporary)	SEN Assessment Officer	april.gibson@sutton.gov.uk
Head of SEN	Head of Service	sen.team@sutton.gov.uk

Youth Offending Teams

Angela Killalea: Operational Manager, Sutton Youth Offending Team

angela.killalea@sutton.gov.uk

Name	Role	Contact Details
Chloe Leon	Case Managers	chloe.leon@sutton.gov.uk
Stephanie Daves		stephanie.daves@sutton.gov.uk
Kieran O'Sullivan		kieran.o'sullivan@sutton.gov.uk
Caroline Ekoku	Education Worker	caroline.ekoku@sutton.gov.uk

Secure Establishments

Medway Secure Training Centre: 01634 823300

Name	Role	Contact Details
Kayleigh Hills	SENCO	kayleigh.kent@uk.g4s.com 01634 823300 ext: 504

Cookham Wood Young Offender Institution: 01634 202500

Name	Role	Contact Details
Deborah Hughes	Head of Inclusion	deborah.Hughes2@hmps.gsi.gov.uk 01634 202597
Louise Balderston	Head of Casework	louise.Balderston@hmps.gsi.gov.uk 01634 202654

Appendix B: Medway Secure Training Centre (STC)

Within the STC, they offer 25 hours of Education, covering Maths, English, Science, ICT, Art, Humanities, PE and Vocational Subjects such as Health and Social Care, Travel and Tourism and Entry to Employment.

On arrival, the young people receive an educational assessment, an induction into Riverview College, our educational facility and where needed, intervention from an Educational Psychologist or a Special Needs Co-ordinator (SENCO).

Subjects are aligned to the National Curriculum and, where possible, are tailored to support the individual's needs in order to stimulate motivation.

They also have facilities to teach Hair and Beauty, Multi Skills (Plumbing, Decorating, Tiling etc.) and NVQ Level 1 in Hospitality and Catering.

They offer 1:1 sessions to support and develop Literacy and Numeracy to those who are significantly below their chronological age.

Young people can also study towards and take their GCSE's at the STC. They offer GCSE Money Management, GCSE Maths, iGCSE English and GCSE History and RE. The last two are offered as a short course for most trainees (dependent upon the length of their sentence) but can also run as full courses.

The young people are taught life skills such as cleaning their rooms and living environment, as well as cooking and washing by Training Centre Assistants (TCAs). They also have the opportunity to take part in an Independent Living Programme which aims to teach young people who are soon to be released, how to live independently. This covers everything from organising accommodation and doing a weekly shop, to getting the most out of public transport.

The 25 hours of education is mandatory. If the young people refuse education or if there are behavioural issues within the classes, there will be consequences in terms of loss of points. The education points system effects the overall incentive level the young people are on (bronze, silver, platinum, platinum plus) and they will be dropped down if they lose points. This leads to loss of privileges, such as green (outside) time, loss of TV/radio etc. If for some reason a young person is unable to attend classes (poor health, safeguarding issues etc.), work is provided to them on their wing/cell.

Key Contact:

Kayleigh Hills
Kayleigh.kent@uk.g4s.com
SENCO
Medway Secure Training Centre
Tel: 01634 823300 #504

Appendix C: Cookham Wood

Following on from the Ministry of Justice's *Transforming Youth Custody* document, education provision in the Young People's Estates has increased to up to 30 hours a week. Education in Cookham Wood is now provided by The Manchester College.

In 2014 the Ministry of Justice (MoJ) directed that elements of education should be protected to ensure that young people attend them whilst serving their custodial sentence. The National Offender Management Service (NOMS) assessed delivery at each secure establishment to consider the level of appointments and meetings that could occur weekly, and during a young person's core day. As a result, it was agreed that 60% of time spent on education would be 'protected', with no avoidable absences from education being permitted; and 40% of education time would be unprotected', during which approved "Permitted Absences" could take place (for review meetings, LAC meetings, legal visits, general health appointments etc.).

In Cookham Wood (as seen below) young people are not allowed to be taken out of their education in the mornings Monday-Thursday and all day Fridays. So, all other appointments/meetings **must** take place in the **afternoons Monday-Thursday**.

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
AM	PROTECTED	PROTECTED	PROTECTED	PROTECTED	PROTECTED
PM	UNPROTECTED	UNPROTECTED	UNPROTECTED	UNPROTECTED	PROTECTED

Courses offered at Cookham Wood include Catering, Independent Living, Functional Skills, Art, Gym (see below table).

The incentive level scheme rewards good behaviour and performance of the young people and removes privileges if expected standards are not maintained.

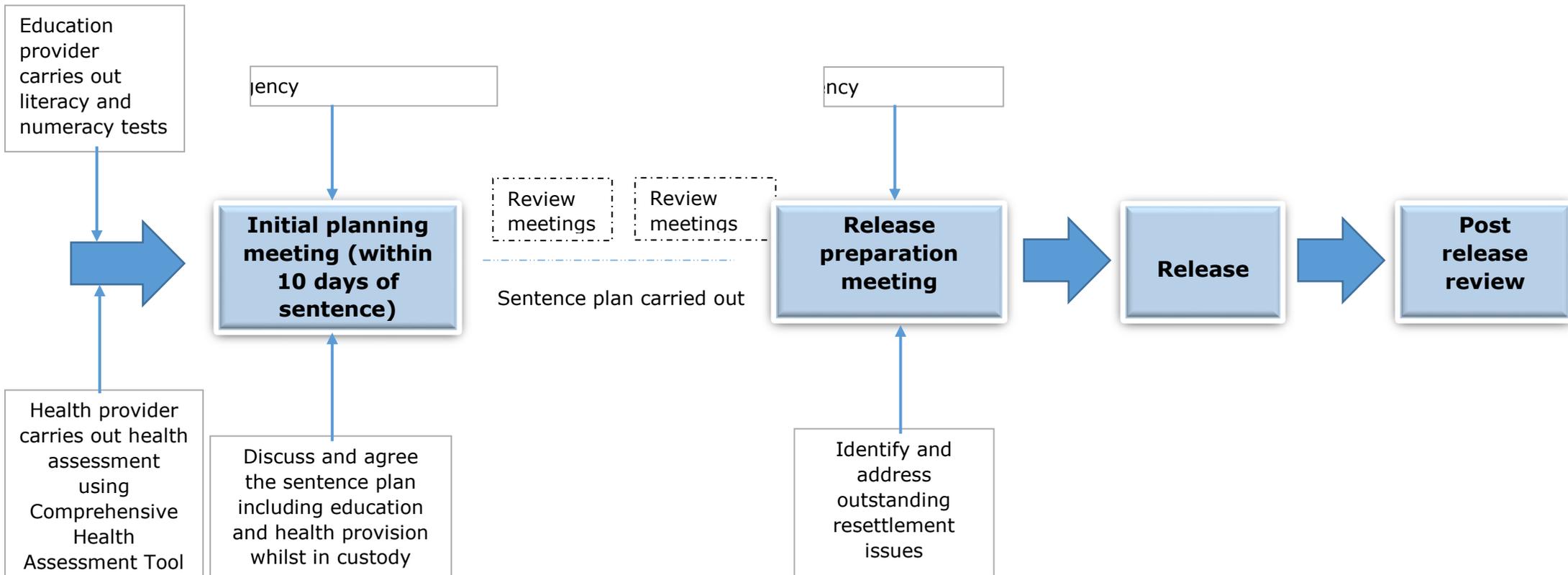
Young people are required to attend education. As with the STC, if they refuse education or there are behavioural issues within education, they will be dropped incentive levels (basic, standard, enhanced). If for some reason a young person is unable to attend classes (poor health, safeguarding issues etc.), work is provided to them on their wing/cell.

Key Contacts:

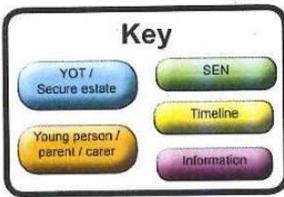
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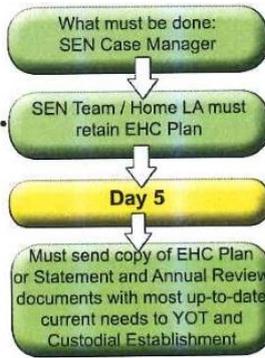
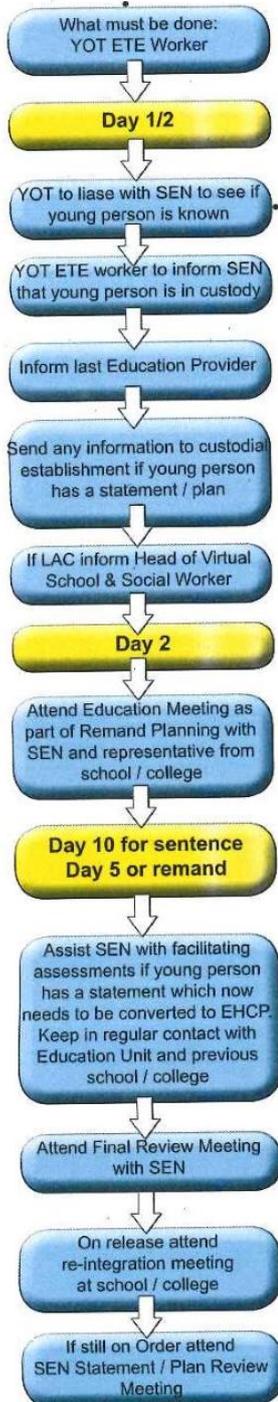
Appendix D: Map of the 'journey' through the youth justice system in custody



Flowchart to show process when young person is remanded / sentenced to custody with a statement / EHC Plan



Young person is remanded / sentenced to custody with a Statement / EHC plan



if young person has a Statement

Educational Statements Outcomes must be met as far as possible in custodial unit

SEN must arrange appropriate provisions to ensure outcomes on plan are being met in custodial establishment

However, if provision cannot be provided SEN must be contacted

Day 10 - end of sentence

SEN must consider conversion to EHCP prior to April 2018

Attend Remand Planning Meeting with YOT and representative from school / college

Arrange assessments for conversion / keep in regular contact with YOT

If the young person is released before conversion is completed, conversion process continues in the community

Refer to Flowchart 1

Week 20 EHCP is issued

NB: All young people with statements must be a priority for conversion. All statements must be converted by April 2018

if young person has an EHCP

Retain the EHC Plan and ensure that appropriate education and training is delivered while in custody

SEN must arrange appropriate provisions to ensure outcomes on plan are being met in custodial establishment

Day 10

Attend Remand Planning Meeting with YOT and representative from school / college

NB: if an Annual Review is due, or deemed necessary, during the custodial sentence, this needs to be arranged by the secure institute

On release

Review plan with education provider, young person and parent / carer