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STATUTORY INSTRUMENTS

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**2015 No. 62**

**The Special Educational Needs and Disability  
(Detained Persons) Regulations 2015**

**PART 2**

**Detained persons with special educational needs**

*Assessments*

**Information and advice to be obtained for a detained person's EHC Needs Assessments**

6.—(1) Where the home authority secures a detained person's EHC needs assessment, it must seek the following advice and information, on the needs of the detained person on release from detention, what provision may be required to meet such needs and the outcomes that are intended to be achieved by the detained person receiving that provision on release from detention—

- (a) advice and information from the appropriate person,
- (b) educational advice and information—
  - (i) from the head teacher or principal of the school or post-16 or other institution that the detained person was attending immediately prior to their detention,
  - (ii) where this is not available, from a person who the home authority is satisfied has experience of teaching children or young people with special educational needs, or knowledge of the differing provision which may be called for in different cases to meet those needs, or
  - (iii) if the detained person was not attending a school or post-16 or other institution immediately prior to their detention and advice cannot be obtained under subparagraph (ii), from a person who was responsible for educational provision for the detained person at any time prior to their detention, and
  - (iv) if any parent of the detained person is a serving member of Her Majesty's armed forces, also from the Secretary of State for Defence,
- (c) medical advice and information from a health care professional identified by the home commissioning body,
- (d) psychological advice and information from an educational psychologist,
- (e) advice and information in relation to social care,
- (f) advice and information from the person in charge of the relevant youth accommodation where the detained person is detained,
- (g) advice and information from the youth offending team responsible for the detained person,
- (h) advice and information from any other person the home authority thinks is appropriate,

*Status: Point in time view as at 01/05/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Special Educational Needs and Disability (Detained Persons) Regulations 2015, Section 6. (See end of Document for details)*

- (i) where the detained person would have been beyond year 9 (if not for their detention), advice and information in relation to provision to assist the detained person in preparation for adulthood and independent living, and
  - (j) advice and information from any person the appropriate person reasonably requests that the home authority seek advice from.
- (2) Where it appears to the authority, in consequence of medical advice or otherwise, that the detained person in question is either or both—
- (a) hearing impaired;
  - (b) visually impaired;
- and any person from whom advice and information is sought as provided in paragraph (1)(b) is not qualified to teach children or young people who are so impaired, then the advice sought must be advice given after consultation with a person who is so qualified.
- (3) When seeking advice in accordance with paragraphs (1)(b) to (j), the home authority—
- (a) must provide the person from whom advice is being sought with copies of—
    - (i) any representations made by the appropriate person, and
    - (ii) any evidence submitted by or at the request of the appropriate person.
  - (b) may, with the consent of the person in charge of the relevant youth accommodation, provide the persons from whom advice is being sought with any representations made and any evidence submitted under section 71(2) of the Act, by the person in charge of the relevant youth accommodation where the detained person is detained.
- (4) The home authority must not seek any of the advice referred to in paragraphs (1)(b) to (j) if such advice has previously been provided for any purpose and the person providing that advice, the home authority and the appropriate person are satisfied that it is sufficient for the purposes of the detained person's EHC needs assessment.

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