



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

#### CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

##### *Detained persons*

- 71 Assessment of post-detention education, health and care needs of detained persons**
- (1) This section applies in relation to a detained person for whom—
    - (a) the home authority is a local authority in England, and
    - (b) no EHC plan is being kept by a local authority.
  - (2) A request to the home authority to secure a detained person's EHC needs assessment for the detained person may be made by—
    - (a) the appropriate person, or
    - (b) the person in charge of the relevant youth accommodation where the detained person is detained.
  - (3) Where this subsection applies, the home authority must determine whether it may be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention.
  - (4) Subsection (3) applies where—
    - (a) a request is made under subsection (2),
    - (b) the detained person has been brought to the home authority's attention by any person as someone who has or may have special educational needs, or
    - (c) the detained person has otherwise come to the home authority's attention as someone who has or may have special educational needs.
  - (5) In making a determination under subsection (3), the home authority must consult—
    - (a) the appropriate person, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the person in charge of the relevant youth accommodation where the detained person is detained.
- (6) Where the home authority determines that it will not be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention, it must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained—
  - (a) of the reasons for that determination, and
  - (b) that accordingly it has decided not to secure a detained person’s EHC needs assessment for the detained person.
- (7) Subsection (8) applies where—
  - (a) the detained person has not been assessed under this section or section 36 during the previous six months, and
  - (b) the home authority determines that it may be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention.
- (8) The home authority must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained—
  - (a) that it is considering securing a detained person’s EHC needs assessment for the detained person, and
  - (b) that the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained each have the right to—
    - (i) express views to the authority (orally or in writing), and
    - (ii) submit evidence to the authority.
- (9) The home authority must secure a detained person’s EHC needs assessment if, after having regard to any views expressed and evidence submitted under subsection (8), the authority is of the opinion that—
  - (a) the detained person has or may have special educational needs, and
  - (b) it may be necessary for special educational provision to be made for the detained person in accordance with an EHC plan on release from detention.
- (10) After a detained person’s EHC needs assessment has been carried out, the local authority must notify the appropriate person and the person in charge of the relevant youth accommodation where the detained person is detained of—
  - (a) the outcome of the assessment,
  - (b) whether it proposes to secure that an EHC plan is prepared for the detained person, and
  - (c) the reasons for that decision.
- (11) Regulations may make provision about detained persons’ EHC needs assessments, in particular—
  - (a) about requests under subsection (2);
  - (b) imposing time limits in relation to consultation under subsection (5);
  - (c) about giving notice;
  - (d) about expressing views and submitting evidence under subsection (8);
  - (e) about how detained persons’ EHC needs assessments are to be conducted;
  - (f) about advice to be obtained in connection with a detained person’s EHC needs assessment;

- (g) about combining a detained person's EHC needs assessment with other assessments;
- (h) about the use for the purposes of a detained person's EHC needs assessment of information obtained as a result of other assessments;
- (i) about the use of information obtained as a result of a detained person's EHC needs assessment, including the use of that information for the purposes of other assessments;
- (j) about the provision of information, advice and support in connection with a detained person's EHC needs assessment.