



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

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

##### *Detained persons*

#### **74 Duty to keep EHC plans for detained persons**

- (1) This section applies in relation to a detained person—
  - (a) for whom a local authority in England was maintaining an EHC plan immediately before the beginning of his or her detention, or
  - (b) for whom the home authority has secured the preparation of an EHC plan under section 72.
- (2) The home authority must keep the EHC plan while the person is detained in relevant youth accommodation.
- (3) Regulations may make provision about the keeping of EHC plans under subsection (2), and the disclosure of such plans.
- (4) The home authority must arrange appropriate special educational provision for the detained person while he or she is detained in relevant youth accommodation.
- (5) If the EHC plan specifies health care provision, the detained person's health services commissioner must arrange appropriate health care provision for the detained person while he or she is detained in relevant youth accommodation.
- (6) For the purposes of subsection (4), appropriate special educational provision is—
  - (a) the special educational provision specified in the EHC plan, or
  - (b) if it appears to the home authority that it is not practicable for that special educational provision to be provided, educational provision corresponding as closely as possible to that special educational provision, or

- (c) if it appears to the home authority that the special educational provision specified in the plan is no longer appropriate for the person, such special educational provision as reasonably appears to the home authority to be appropriate.
- (7) For the purposes of subsection (5), appropriate health care provision is—
- (a) the health care provision specified in the EHC plan, or
  - (b) if it appears to the detained person’s health services commissioner that it is not practicable for that health care provision to be provided, health care provision corresponding as closely as possible to that health care provision, or
  - (c) if it appears to the detained person’s health services commissioner that the health care provision specified in the plan is no longer appropriate for the person, such health care provision as reasonably appears to the detained person’s health services commissioner to be appropriate.
- (8) In this section, “detained person’s health services commissioner”, in relation to a detained person, means the body that is under a duty under the National Health Service Act 2006 to arrange for the provision of services or facilities in respect of the detained person during his or her detention.