
STATUTORY INSTRUMENTS

2015 No. 62

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

PART 2

Detained persons with special educational needs

EHC plans

Form of EHC plan

- 12.—(1) When preparing an EHC plan a home authority must set out—
- (a) the views, interests and aspirations of the detained person and, where the detained person is a child, the child's parent (section A);
 - (b) the detained person's special educational needs on release from detention (section B);
 - (c) the detained person's health care needs on release from detention, which relate to their special educational needs (section C);
 - (d) the detained person's social care needs on release from detention, which relate to their special educational needs or to a disability (section D);
 - (e) the outcomes sought for the detained person on release from detention (section E);
 - (f) the special educational provision required by the detained person on release from detention (section F);
 - (g) any health care provision on release from detention reasonably required by the learning difficulties or disabilities which result in the detained person having special educational needs (section G);
 - (h) any—
 - (i) social care provision which must be made for the detained person as a result of section 2 of the Chronically Sick and Disabled Persons Act 1970⁽¹⁾ on release from detention (section H1);
 - (ii) other social care provision on release from detention reasonably required by the learning difficulties or disabilities which result in the detained person having special educational needs (section H2);
 - (i) the name of the school, post-16 institution or other institution to be attended by the detained person on release from detention and the type of that institution or, where the name of a

⁽¹⁾ 1970 c.44; section 2(1) was amended by section 14(1) and Schedule 2, paragraph 12 of the Local Authority Social Services Act 1970 (c.42); and by section 272(1) and Schedule 30 of the Local Government Act 1972 (c.70); and section 66, and paragraph 12 of Schedule 9 and Schedule 10 of the National Health Service and Community Care Act 1990 (c.19). Section 2(1A) was inserted by section 148(3) of the Health and Social Care Act 2008 (c.14). Section 2(2) was repealed by section 272(1) and Schedule 30 of the Local Government Act 1972.

school or other institution is not specified in the EHC plan, the type of school or other institution to be attended by the detained person on release from detention (section I); and

- (j) where any special educational provision is to be secured by a direct payment on release from detention, the special educational needs and outcomes to be met by the direct payment (section J),

and each section must be separately identified.

(2) The health care provision specified in the EHC plan in accordance with paragraph (1)(g) must be agreed by the home commissioning body.

(3) Where the detained person would have been in or beyond year 9 (if not for their detention), the EHC plan must include within the special educational provision, health care provision and social care provision specified, provision to assist the detained person in preparation for adulthood and independent living on release from detention.

(4) The advice and information obtained in accordance with regulation 6(1) must be set out in appendices to the EHC plan (section K).