
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

Needs assessments which are not completed

15.—(1) —Where as a consequence of a release from detention, a local authority is required to complete an EHC needs assessment in respect of a child or young person for whom a detained person's EHC needs assessment was started but not completed; the local authority must ensure, that —

- (a) any EHC plan is finalised within 20 weeks;
- (b) any decision not to secure an EHC plan is finalised within 16 weeks;
- (c) a decision whether or not to secure an EHC needs assessment is made within 6 weeks;

from the date which the detained person has been brought or comes to the attention of the local authority in accordance with section 71(4)(b) or (c) of the Act.

(2) Where paragraph (1) applies, a local authority may treat anything done in relation to a detained person's EHC needs assessment as discharging any comparable requirement in relation to an EHC needs assessment.

(3) Paragraph (1) does not apply where the local authority carrying out the EHC needs assessment post-detention is different from the home authority which started the detained person's EHC needs assessment.

(4) Where as a consequence of a detention order a home authority is required to complete a detained person's EHC needs assessment in respect of a detained person for whom an EHC needs assessment was started but not completed, the local authority must ensure that —

- (a) any EHC plan is finalised within the 20 weeks specified in regulation 13(2);
- (b) any decision not to secure an EHC plan is finalised within the 16 weeks specified in regulation 10(1);
- (c) a decision whether or not to secure an EHC needs assessment is made within the 6-weeks specified in regulation 5(1);

from the date which the local authority became responsible for the child or young person.

(5) Where paragraph (4) applies, a home authority may treat anything done in relation to an EHC needs assessment as discharging any comparable requirement in relation to a detained person's EHC needs assessment.

Changes to legislation: *There are currently no known outstanding effects for the The Special Educational Needs and Disability (Detained Persons) Regulations 2015, Section 15. (See end of Document for details)*

(6) In this regulation, “comparable requirement” has the meaning set out in the code of practice issued under section 77(1) of the Act.

Changes to legislation:

There are currently no known outstanding effects for the The Special Educational Needs and Disability (Detained Persons) Regulations 2015, Section 15.