
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

Transfer of a kept EHC plan

16.—(1) This regulation applies where on the release date a detained person in respect of whom an EHC plan is kept, becomes (or is to become) the responsibility of a local authority which is not the home authority (“the new authority”).

(2) The home authority must disclose the EHC plan to the new authority within 5 working days following the date of being informed of the release of the detained person to the new authority.

(3) The new authority must disclose the EHC plan to the responsible commissioning body within 5 working days following the date it either became responsible for the child or young person, or if later, the date it received a copy of the EHC plan under paragraph (2).

(4) Where it is not practicable for the responsible commissioning body to arrange the health care provision specified in the EHC plan, it must within 15 working days following the date it received a copy of the EHC plan, request that the new authority makes an EHC needs assessment or reviews the EHC plan, and where the new authority receives such a request, it must comply with that request.

(5) In this regulation, “responsible commissioning body” has the same meaning as in section 42(4) 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 16.