
STATUTORY INSTRUMENTS

2015 No. 62

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

PART 4

Appeals

Unopposed appeals

30.—(1) This regulation applies where the detained person has appealed to the First-tier Tribunal and the home authority notifies the First-tier Tribunal that it does not oppose the appeal before it submits a response.

(2) The appeal is to be treated as if it was determined in favour of the appellant and the First-tier Tribunal is not required to make an order.

(3) Where the appeal is made under section 73(2)(a) of the Act, the home authority must, within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1), notify the appropriate person that it must make a detained person's EHC needs assessment.

(4) If following a detained person's EHC needs assessment, the home authority—

- (a) decides that it is not necessary for special educational provision to be made for the detained person in accordance with an EHC plan, the home authority must notify the appropriate person of its decision, giving reasons for it as soon as practicable, and in any event within 10 weeks of the date it notified the First-tier Tribunal under paragraph (1), or
- (b) decides that it is necessary for special educational provision to be made for the detained person in accordance with an EHC plan, it must send the finalised plan to the appropriate person under regulation 14(2) and those specified in regulation 13(2) as soon as practicable and in any event within 14 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(5) Where the appeal is made under section 73(2)(b) of the Act, the home authority must—

- (a) issue a draft EHC plan within 5 weeks of the date it notified the First-tier Tribunal under paragraph (1), and
- (b) send a copy of the finalised EHC plan to the appropriate person under regulation 14(2) and those specified in regulation 13(2) within 11 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(6) Where the appeal is made under section 73(2)(c) of the Act, the home authority must issue the amended EHC plan within 2 weeks of the date it notified the First-tier Tribunal under paragraph (1).

(7) The home authority need not comply with the time limits specified in paragraphs (4) or (5) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the detained person or, where the detained person is a child, the child's parent during the relevant period,

Changes to legislation: There are currently no known outstanding effects for the *The Special Educational Needs and Disability (Detained Persons) Regulations 2015, Section 30*. (See end of Document for details)

- (b) where the detained person is a child, the child's parent is absent from the area of the home authority for a continuous period of not less than 2 weeks during the relevant period, or
- (c) the circumstances referred to in regulation 10(4)(a) [^{F1}or (d)] apply.

Textual Amendments

- F1** Words in reg. 30(7)(c) inserted (temp.) (1.5.2020) by [The Special Educational Needs and Disability \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/471\)](#), regs. 1, 27 (with reg. 2(2))

Changes to legislation:

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