

## York Youth Justice Service and Special Educational Needs and Disabilities Protocol

**This guidance applies to City of York Council (CYC):**

- Youth Justice Service (YJS)
- Special Educational Needs and Disabilities (SEND) Department
- Educational Psychology Service (EPS).

The guidance will be implemented in partnership with other key stakeholders, including children and young people, their families, and relevant youth accommodation and education settings.

### **Purpose:**

This document outlines the process specifically relating to young people in the Youth Justice System with SEND in York and what needs to happen in order for the statutory duties to be met. It aims to raise awareness of SEND reform practice in the Youth Justice System and its partnership working with the rest of the Local Authority SEND Team staff, health and social care workers and others who work regularly with the same client base. This includes the statutory requirements relating to children and young people detained in youth custody.

### **Context:**

The [Children and Families Act 2014](#) set out revised duties, policies and procedures for supporting those with SEND. Following the publication of this Act, the statutory [SEND Code of Practice 2015](#) was then written to reflect the content and ambition

of the Children and Families Act. Within this Code, Chapter 10 (pages 222-243) outlines roles and responsibilities in relation to children and young people aged 18 and under, who have been remanded or sentenced by the Courts to relevant youth accommodation in England. These roles and responsibilities apply to children and young people detained in:

- Young Offenders' Institutions
- Secure Training Centres
- Secure Children's Homes
- Secure Colleges.

Pages 222-243 of the [SEND Code of Practice 2015](#) do not apply to children and young people serving their sentence in the community, to persons detained in a Young Offenders Institution for 18- to 21- year-olds, or to persons detained in the adult estate. The SEN duties in the Children and Families Act 2014 no longer apply once a young person is transferred to the adult secure estate.

### **Relevant Information and Guidance:**

#### The Local Offer:

All local authorities must publish a [Local Offer](#), which gives information about local provision available across education, health and social care for children and young people in their area who have SEND, including those who do not have Education, Health and Care plans (EHCPs). The Local Offer should be widely publicised to all children and young people with SEND and their families. A [link to YJS's CYC webpage](#) is included on the Local Offer.

The Youth Justice SEND Project:

In 2016, the Department for Education launched a [Youth Justice SEND Project](#) to ensure that localities are making the appropriate links to support young people with SEND who enter the youth justice system. As part of this project, regional workshops were held asking practitioners from SEND and Youth Justice to reflect on existing arrangements and [‘Ten Key Statements’](#). York YJS will use these statements to measure its practice as part of the review process for this protocol (review included in Annex 1). The Youth Justice SEND Project has also developed a free online resource portal called [‘The Bubble’](#), which includes interactive training on SEND for YJS practitioners (instructions on how to access The Bubble are available [here](#)).

**Protocol in order to meet Statutory Duties:**

The protocol used to ensure CYC professionals meet the statutory duties outlined within the [SEND Code of Practice 2015](#) is outlined within the table below (pages 3-6). Contact details of the professionals referred to within the table are provided on page 7 of this document.

CYC’s Local Offer is available via:

[www.yor-ok.org.uk/localoffer](http://www.yor-ok.org.uk/localoffer)

Section of Code of Practice	Responsibility	Who?	When?
<b>For Any Child or Young Person (CYP)</b>			
10.65	The YJS case manager must collect the views, wishes and feelings of the detained person and the child's parents, and must provide them with information, advice and support to enable them to participate in decisions relating to their individual support.	YJS case manager	On referral to YJS
10.72	The YJS case manager must inform* CYC SEND Department when a child or young person (CYP) aged 18 and under is detained.	YJS case manager	As soon as YJS case manager becomes aware of detention
10.72	CYC SEND Department must inform* the YJS case manager if a CYP is known to have SEN, and should provide all available information to the YJS, including details of any assessments the detained person has had and any needs which have been identified.	CYC SEND Department	As soon as possible
10.72	If a detained CYP has SEN/suspected SEN, the YJS case manager must inform the Educational Psychologist (EP) for Children in Custody and the Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS).	YJS case manager	As soon as YJS case manager becomes aware of detention
10.73	If a detained person has SEN and this is known to the EPS, the EP for Children in Custody will liaise with the CYP's named EP to collect relevant information for dissemination to the YJS case worker.	EP for Children in Custody	As soon as possible
10.73	If a detained person has SEN and this is known to the EPS, the EP for Children in Custody should provide all available information to the YJS, including details of any assessments the detained person has had and any needs which have been identified.	EP for Children in Custody	As soon as possible
10.73	If a detained person has SEN, the YJS case manager should contact the Special Educational Needs Coordinator (SENCo) of the CYP's current education setting, to collect further information about the CYP and their SEN (e.g. the CYP's My Support Plan, attainment information and other relevant assessments).	YJS case manager	As soon as possible

4.62	If the detained person has SEN, the YJS case manager should provide the CYP and their family with information about the <a href="#">Local Offer</a> .	YJS case manager	As soon as possible
10.73	The YJS case manager will share relevant information with the detained person's custodial case manager to inform the work of key personnel (such as the health provider or SENCo for the relevant youth accommodation) who will be involved in delivering the detained person's sentence plan.	YJS case manager	As soon as possible
10.73	The YJS case manager will reflect any information about a detained person's educational history, including any SEN, in the pre-sentence report if deemed relevant to the court case.	YJS case manager	On producing the pre-sentence report
10.74	The YJS case manager and the secure estate must facilitate monitoring meetings, which can be part of planning meetings.	YJS case manager and Secure Estate	As required
10.115	The YJS case manager must notify the SEND Department when any detained person is transferred from one place of youth accommodation to another. If the detained person has an EHCP, the SEND Department must send it to the person in charge of the new relevant youth accommodation within five working days of them becoming aware of the transfer. The SEND Department must also notify the EHC Panel when a detained person with an EHCP has been transferred.	YJS case manager/ CYC SEND Department	YJS case manager: On becoming aware of the transfer SEND Department: within five working days of becoming aware of the transfer
10.74, 10.134	The YJS case manager will ensure planning for provision arrangements upon release commences at the earliest possible stage to ensure positive participation in the resettlement process. The YJS case manager will invite a representative from the post-custody education or training setting to all post-custody planning meetings, and other CYC/NHS/charitable agencies as appropriate.	YJS case manager	As soon as possible
10.135	If a detained person who is about to be released has SEN, the YJS case manager must notify the SEND Department that a detained person is due to be released from the relevant youth accommodation.	YJS case manager	On becoming aware that release will occur

For Children and Young People with an EHCP			
10.72	The SEND Department must send the EHCP to the YJS case manager, the person in charge of the relevant youth accommodation and the detained person's health commissioner.	CYC SEND Department	Within five working days of becoming aware of the detention
10.66	If the EHCP for a detained person specifies health care provision, the SEND Department must inform NHS England of the detention.	CYC SEND Department	As soon as possible
10.67, 10.75	The EP for Children in Custody and the CYP's previous EP will agree who is most appropriate to proceed as the CYP's EP caseworker, and share this decision with the YJS case manager and SEND Department.	EP for Children in Custody and CYP's previous EP caseworker	As soon as possible
10.67	The YJS case manager will facilitate a discussion with the EP caseworker and other relevant professionals to determine how the EHC plan will be observed within the custodial setting, and to determine if the custodial placement is appropriate. <a href="#">The YJB Placement Review and Transfer Guidance</a> will be followed if the custodial placement deemed unsuitable.	YJS case manager with other professionals	As soon as possible
10.123, 10.132	The YJS case manager and the EP caseworker will attend the initial sentence planning meeting (within 10 working days of sentencing) to ensure that the special educational provision identified in the EHCP can be delivered within the custodial setting.	YJS case manager and EP caseworker	Within ten working days of sentencing
10.123/10.133	Monitoring meetings must be conducted at least every 12 months, and will be facilitated by the YJS case manager and the secure estate.	YJS case manager	At least every 12 months
10.123/10.133	The YJS case manager will inform the EP caseworker and SEND Department of all reviews of education and provision during the CYP's time in custody. The EP caseworker and a representative from the SEND Department will attend whenever possible. Attendance at reviews by the EP will enable discussion with the YJS case manager about	YJS case manager, EP caseworker	As required

	the provision for any additional support that may be required that the custodial establishment cannot provide. Any issues raised in review meetings should be shared by the YJS case manager with the SEND Department.	and SEND Department	
10.134	The YJS case manager will inform the EP caseworker and SEND Department that a detained person is due to be released from the relevant youth accommodation. The YJS case manager will coordinate and chair the post-custody community review (10 days after release), including a review of the EHCP, and the EP caseworker and a representative from the SEN Department will attend wherever possible.	YJS case manager, EP caseworker and SEND Department	As soon as possible
<b>For Children and Young People without an EHCP</b>			
10.82	The YJS case manager will liaise with the EP for Children in Custody and the CYP's most recent education setting about whether the CYP meets the criteria for an EHCP.	YJS case manager	As soon as possible
10.82	If the YJS case manager and other professionals feel the criteria for an EHC needs assessment is met, the YJS case manager will bring the CYP to the attention of the Local Authority, with support from the EP for Children in Custody.	YJS case manager	As soon as possible
10.82	Alternatively, the CYP or their parent, custodial staff or anyone working with CYP can bring the CYP to the attention of the Local Authority/request an EHCP as appropriate.	Any relevant person	As soon as possible
10.84-10.114	The SEN Department will follow statutory duties relating to assessing a CYP in custody for an EHCP, as outlined within pages 222-243 of the SEN Code of Practice.	CYC SEND Department	As required
10.74	If the CYP does not meet the criteria for an EHCP, the YJS case manager will continue to promote the fulfilment of the detained person's learning potential while they are in custody and on their release.	YJS case manager	As required

**\*Contact Details of Relevant Services/Professionals:**

- Youth Justice Service (admin email): [YJS.admin@york.gov.uk](mailto:YJS.admin@york.gov.uk)
- Service Manager, Youth Justice Service : Sara Orton, [sara.orton@york.gov.uk](mailto:sara.orton@york.gov.uk)
- SEN Department: [sendept@york.gov.uk](mailto:sendept@york.gov.uk)
- Educational Psychologist for Children in Custody: Cathy Ardern, [cathy.ardern@york.gov.uk](mailto:cathy.ardern@york.gov.uk)
- SENDIASS: [yorksendiass@york.gov.uk](mailto:yorksendiass@york.gov.uk)

### Resources

- There are some resources for **eliciting the views** of children and young people available via [Yor-Ok](#)
- A guide for **supporting children and young people with SEND** (particularly speech, language and communication needs) to understand the custody process is available via the [Youth Justice Bubble](#)
- [Sentence Trouble](#) is a guide that contains information about the **impact of communication needs** (and other areas of need such as autism and dyslexia) on a person's capacity to access the youth justice system
- Information about the **impact of trauma** (including information about assessments and interventions that are appropriate for children and young people who have experience trauma) is available via the [Youth Justice Resource Hub](#).

### Process of Review:

This protocol will be reviewed by the SEND Department and YJS Management Board every two years.

**Date of Current Document:** August 2020 (Version 2)

**Date of Next Review:** August 2022



**ANNEX 1: Ten Key Statements – YORK YJS**

Statement	Further details	How do we shape up
<p><b>1</b></p> <p>All Local Authority SEND Team staff, health and social care workers (and others who work regularly with YJSs) have working knowledge of SEND Reform practice in the Youth Justice System</p>	<p>A local set of protocols have been discussed, agreed, published and reviewed that define “duty to cooperate” between LA SEND Team, YJS, secure estate and other multiagency teams.</p> <p>Quality standards are agreed in terms of response times, mobilisation of resource, monitoring and review (see below- 4a, 4b, 5, 6, 7 and 8)</p>	<p>YJS staff know how to contact Educational Psychologists (EPs) if CYP has or requires an EHC assessment. EPs work to SEND Code of Practice response times.</p>
<p><b>2</b></p> <p>All staff within Youth Offending Teams and the relevant staff in the Secure Estate have a working knowledge of SEND Reform practice in the Youth Justice System</p>	<p>The degree of knowledge will depend on role within the YJS</p> <p>Managers will have working relationships with LA SEND Team, health, social and housing teams, as well as secure estate. Case workers will understand EHCPs, SEN support and other key aspects of the recent SEND Reforms as applied to the various stages within the youth justice system, from charging through to community disposals, secure estate placements, transition</p>	<p>The service has custody review panels that ensure SEND Reform practice is considered from custody to release</p>

		and resettlement planning and implementation, etc.	
<b>3</b>	<p>All staff who work with and within YJSs have had recent training that builds a basic awareness of the type and range of special educational needs that are prevalent in the youth justice system, as well as the complexities and impact of structural (social) disadvantage:</p> <p>3a Neuro-Developmental Disorders (Autism and Autistic Spectrum Disorders... to also include specific learning difficulties such as poor working memory, slow processing speeds, etc.) ABI (Acquired Brain Injury) as well.</p> <p>3b Dyslexia and Dyspraxia (to include related needs)</p> <p>3c ADHD</p> <p>3d SLCN</p> <p>3e Mental Health and Wellbeing (to include trauma and attachment needs )</p>	<p>A key aspect of this statement is to embrace the “social model” of disability.</p> <p>This is about all practitioners developing a basic knowledge, awareness and expertise to address and overcome impairment, rather than “diagnose” or “treat” an illness.</p> <p>This is where specialist interventions have their place.</p> <p>Also, many young people in the youth justice system have complex needs compounded by structural (social) disadvantage (gender, ethnicity, neglect, abuse, family breakdown, postcode, poverty, etc.).</p> <p>An awareness and knowledge of how these disadvantages overlap and interact with special educational needs will help all practitioners to be alert to the many risk factors that contribute to what can be multiple, complex needs, and then work together in a holistic way to address them.</p>	<p>CAMHS worker is embedded within YJS.</p> <p>Speech and Language Therapists (SaLTs) work with York YJS to build awareness of communication difficulties experienced by young people. They will work to train the team in various aspects of Speech and Language and also work directly with the young people. The SaLT positions are funded between NHS England, the PFCC, York YJS and North Yorkshire Youth Justice Service.</p>

4a	Information exchange regarding all forms and levels of special educational needs between secure estate, health and care professionals, LAs and YJS is timely, comprehensive and leads to continuity of/establishing appropriate provision.	This relates closely to Statement 1, and the development of local quality standards in terms of communication, response times and provision allocation /monitoring /review /evaluation	
4b	<i>Proactive</i> information exchange and planning between LA SEND, Social, Health and LAC Teams, as well as YJS, leads to the early identification of YPs at risk of entering the youth justice system, with provision leading to reduced “first time” offending rates.	Recent field visits and case studies of effective practice are revealing the power of proactive work with troubled families / early identification of needs through community or area partnerships /partnership with PRUs /Alternative Provision/ LAC Services.  Effective practice will improve the impact of pre-court diversions and reduce the frequency of first-time entrants into youth justice system	Plans are in place to do visits to the schools to discuss prevention work and exchange of information to understand the cause of any behaviour that may lead to criminality.  YJS attendance at local area ASB , and hotspot meeting. And attendance at LAT Problem Solving meetings, And Daily MASH screening meetings.
5	Initial screening /assessment of YPs entering the Youth Justice System is conducted by trained / experienced professionals and informs provision mapping	A common feature observed in some of the most effective YJSs is the investment in screening/assessment training/resourcing/staffing  Effective practice is diverse and extensive, proving that there is no “one model” that suits all.	All children and young people entering the youth justice system are assessed by YJS using the approved Youth Justice Board (YJB) assessment tool. As part of the assessment process, YJSs will seek information from a number of sources, including local authorities and education providers. The local authority should respond to this request as soon as

			<p>possible. If a detained person has an EHC plan the local authority must send it to the YJS and information from the EHC plan will feed into the YJS assessment.</p> <p>The YJS management team hold regular quality assurance benchmarking on assessments.</p>
<b>6</b>	<p>If a YP has an EHCP, information sharing leads to continuity of provision (throughout youth justice system and into transition/resettlement)</p>	<p>This links to the developing protocols and local arrangements in statement 1, and was a key recommendation emerging from Phase 1 of this project (Sheffield Futures)</p> <p>A high level of communication, information exchange and provision planning /implementation with education/ and health in the secure estate is critical here.</p>	<p>More embedded practice needs to be established linking the EP with YJS case worker.</p> <p>Custody review panels include direction to notify SEND team following sentence</p>
<b>7</b>	<p>If screening/assessment indicates a YP has high level needs that were previously unidentified, or has SEN support needs not met by an EHCP, timely and appropriate support is either implemented or commissioned whilst further assessment is considered.</p>	<p>Another critical aspect emerging from the Sheffield Futures report.</p> <p>If an EHCP is not in place (for whatever reason), but high level needs are identified through assessment/screening, there must be local protocols that support a rapid response to</p>	<p>If screening/assessment indicates a YP has high level needs that were previously unidentified SEN Department is notified immediately.</p>

		meeting these needs, irrespective of legislated process timelines.	
<b>8</b>	Multiagency teams, working in partnership with the YJS, ensure that transition and resettlement planning/delivery are aligned to securing a series of positive life outcomes for YPs (education, independence, self-efficacy, work, etc.)	<p>A key outcome of this DfE-funded project is to bring about a culture change that secures better outcomes for young people in the youth justice system. Reducing the incidence of reoffending is a critical KPI.</p> <p><i>How</i> this is achieved will depend on a range of issues around education and training, health and wellbeing, housing and settlement, developing independence, self-efficacy and life skills as well as planned vocational activity (education and opportunities).</p>	<p>Reducing reoffending is main KPI monitored by Youth Justice Partnership.</p> <p>Number of young people working with YJS with EHC plan should be monitored.</p> <p>Very complex cases that present very high risk of harm are managed in partnership through, quarterly Multi agency Transitions Meetings, and IOM and MAPPA arrangements.</p>
<b>9</b>	Young people and their families are actively engaged in all aspects of screening, identification, diagnosis and intervention planning, and have a voice in shaping the provision, and evaluating its impact	<p>This follows on from Statement 8.</p> <p>Advocacy and independent advice and guidance services (SENDIASS) can play a critical support role.</p> <p>Creative ways of reaching out and enabling meaningful engagement need to be explored and deployed to overcome communication and learning difficulties.</p>	

<p><b>10</b></p>	<p>Strategic Commissioners within Local Authority Area Partnerships (Children’s Trust Boards, Safeguarding Panels, Clinical Commissioning Groups, TCPs (Transforming Care Partnerships) ensure that the needs of YP in the youth justice system are adequately resourced and supported, and the provision reviewed regularly.</p>	<p>The role of strategic commissioners in provision deployment and system accountability needs to be developed in some area partnerships.</p> <p>Strategic commissioners work closely together to ensure the needs of children and young people in custody and those at risk of custody are reviewed and met through joint resources. Senior commissioners chair the Joint Agency Funding Panel and oversee this process.</p>	
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### Annex 2: Flowchart for YJS Professionals

