

*Youth Justice Service*

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| **Joint working protocol between Youth Justice Service and Special Education Needs and Disability Service**  |

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| Effective Date: | October 2022 |
| Document Author: | Nick Cordwell |

**Content**

1. **Context**
2. **Local practice guidance framework**

1. **Context**

This protocol has been developed to ensure that children and young people within the youth justice system are supported through effective information sharing and coordination of support of children special education needs and disabilities by the Youth Offending and Special Education Needs services.

This protocol of joined working covers arrangements for joined up working and support to be provided to young people with special education needs and disabilities\* serving a sentence in the community and those in custody. The protocol outlines professional responsibilities and accountabilities for ensuring that all children and young people with special educational needs and/or disability (SEND) that enter the youth justice have their needs appropriately assessed and met by all agencies working in a coordinated way to:

* promote the welfare and well-being of children with SEND within youth justice;
* ensure that children with SEND can access support they need to meet their needs and to successfully serve their sentence either in the community or in custody to help them to rehabilitate and achieve good outcomes
* effectively safeguard children and young people with SEND whilst in youth justice in a considered way accounting for the SEND support they need
* ensure timely and joined up approach to the annual review of the EHCP for children and young people in youth justice to ensure their needs continue to be effectively met to help them to achieve positive outcomes

This protocol is underpinned by the Enfield Council’s behaviors and specifically ethos that we all take responsibility for children with SEND and work in partnership to help these children and their families to help them thrive and achieve their best potential whilst preventing further re-offending and protecting these children from harm or causing harm to others.

This protocol is informed by the following relevant legislation:

* Children and Families Act (2014), (s70-75, 28,31, & 77)
* Crime and Disorder Act 1989
* Section 39A, Section 52B of the Education Act 1996,
* Section 17 of the Children’s Act 1989
* SEND Code of Practice 2015

\*(including those with an existing Education Health Care Plan as well as those where there is a requirement for one)

Note: We recognise that children/YPS with SEND often have mental health needs and therefore require mental health support which must be integral within the provision of support and reflected within the EHCPs.

1. **Local practice guidance framework**

| **Area of work/support**  | **Youth Offending Service role and responsibilities**  | **Special Education Needs and Disability Service role and responsibilities**  |
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| **Assessment of need** | The YJS Supervising Case Officer will be responsible for liaising with SEN services to support the rights, needs, wishes and feelings for children and young people with SEND. Upon entry to the Youth Justice system, all children and young people, including those with SEND (with or without an EHCP), will be assessed by the YJB stipulated assessment (ASSET plus for post court and OOCD assessment for pre court) that will need to take into consideration any special educational needs or EHCP.It is the responsibility of the YJS supervising case officer to research if the child or young person (CYP) has identified SEND either at SEN support or through EHCP. This needs to happen via the SEN dedicated inbox.The YJS supervising case worker needs to ensure that the assessed needs noted in the EHCP are reflected within the Asset Plus and that the EHCP is placed on the case file recorded on the Childview (YJS case management system) If the child/young person does **not** have an EHCP, the YJS supervising case officer is expected to liaise with the young person’s parent and contact the school/college/YJS EP and ask specific questions in order to ascertain if the young person has SEND that is being supported via SEN Support. Specifically:1. Has the CYP been identified as having SEN?
2. Which of the 4 SEN categories apply to the child/young person:

1. Communication and Interaction; 2. Cognition and Learning;3. Social, Emotional and Mental Health Difficulties; 4. Sensory and/or Physical Needs) apply to the CYP?1. How are the needs described within the categories?
2. Is there any evidence of SEN support or other assessment documentation that would suggest there are additional needs? Are there any other planning documents? Is there evidence of a review?
3. Does the child/young person have a learning support or equivalent plan (if so to obtain this)

It is the responsibility of the YJS supervising case officer to inform the C the SEND service via the notification to the SEN inbox requesting the information on SEN/EHCP, this will be treated by default by SEN service as a formal notification the child is known to the youth justice.  | SEN@enfield.gov.uk Key liaison officers’ details:Meghi Stavrinos - Senior SEND Advisory Officer meghi.stavrinos@enfield.gov.ukTanzila Aziz – SEND Advisory Officer tanzila.aziz@enfield.gov.ukCeyda Ahmet – Business Support OfficerCeyda.ahmet@enfield.gov.ukAll YJS requests for conformation if the young person is known to the SEND service will be treated by default by the SEND service as formal notification that these children have entered criminal justice. |
| **Pre-sentence report**  | YJS case officer preparing the Pre-Sentence report will need to ensure the report considers diversity issues, including any SEND support required to effectively engage with court proceedings and their sentence. They may wish to consult in house YJS EP to help them to reflect the impact of the need on the child.For the purpose of the pre-sentence report information, this will have to be requested via telephone contact to the designated SEN officer.Note: the production of the PSR requires a quick turnaround (3 weeks) | Designated SEND officer to expedite information sharing for the purpose of the pre-sentence report:meghi.stavrinos@enfield.gov.uktanzila.aziz@enfield.gov.uk |
| **Intervention plan of support to serve the sentence in community**  | When developing a plan of support (intervention plan) and group work programs, YJS supervising case officer will need to consider the suitability and child/young person’s ability to effectively engage with the intervention. Consider if any bespoke support is required if the existing interventions may not be suitable or working. YJS supervising case officer may need to consult and access support from YJS in house Education Psychologist, SALT therapist or clinical psychologist to help tailor any interventions required to support the young person to effectively engage with their order. It is the responsibility of the YJS supervising case officer that the YJS intervention plan for the child/young person is dovetailed with the existing EHCP. The YJS will convene a monthly Education Panel to maintain a strategic overview of all school-age children known to the Youth Justice Service (YJS). The panel will take a leading role in ensuring that:* attendance improves,
* suspensions decrease
* permanent exclusions are avoided;
* all school age young people known to the YJS are engaged in 25 hours of meaningful education each week and anything other than this is challenged accordingly; and
* Young people are mentored and supported to improve their life chances and reduce risk to re-offending.
* Exams can be facilitated where necessary if young people are in custody

. | SEND and EP services may provide support with the decision making for any further assessments that the child/young person may require to support their SEND needs. SEND services will ensure that a representative attends the panel. |
| **Young people remanded and sentenced to custody-serving custodial sentence**  | **Education health and care provision for children in custody or remand** For a detained child/young person with an EHCP, appropriate special educational, health and care provision specified in the plan should be made available. If it is not practicable to arrange, the provision specified in the EHCP - educational and health provision corresponding as closely as possible to that in the EHCP must be arranged. If it appears to the health care commissioner for the relevant youth accommodation that the health care provision in the EHCP is no longer appropriate, that commissioner must arrange health care provision that appears appropriate to it. The YJS supervising case officer in consultation with the Designated Clinical Officer and SEN service, should satisfy themselves that the young person is not at a detriment as a result of the recommended changes to the health provision.*(Note NHS England is the commissioner of healthcare services in prisons and custodial establishment and manages contracts with healthcare providers to ensure the delivery of agreed services for detained persons)* |
| **Child/young person with EHCP entering to Custody/Remand**If a young person under the age 18 with EHCP is remanded or sentenced to custody, the YJS supervising case officer must:* Court Lead will be responsible to include in the custody/remand notifications. This will be done on the day the child appears in court.
* Need to Know alert needs to be forwarded to the Virtual Head, Head of CLA (for those who are CLA) and Head of SEN/SPOC for those with EHCP
* Ensure the copy of EHCP and latest annual review documentation is included with the documents bundle to be sent to the remand placement or custody establishment within 10 working days of becoming aware of the detention.
* Liaise with the SEN service and ensure that the EHCP coordinator is invited to the placement planning meeting that must take place within 10 working days of young person entering the custody in line with the Youth Justice National Standards. The YJS case manager will be responsible for inviting the SEND representative within in two working days following their appearance in court. This will be overseen by Tammy Sparks (Resettlement Practice Lead).
* Ensure jointly with the EHCP Senior that the provision of support noted within the EHCP is maintained for the young person whilst in custody
* At this point, and where possible, the YJS supervising case officer will notify SEND of a release date.
* For those children who are looked after at the point of the entry to custody and have an EHCP, the YJS supervising case officer also needs to notify the CLA team and Virtual Head
 | Meghi Stavrinosmeghi.stavrinos@enfield.gov.ukSEND service is responsible for ensuring that the SEN service attends the initial custody planning meeting for those children and young people that have EHCP to ensure that the needs of the young people identified within their EHCP continue to be met whilst in custody.If the child/young person has health provision in their EHCP to ensure that Designated Clinical Officer (DCO) is notified by the SEND also to attend the planning meeting where possible. This will take place 10 working days from the child being remanded sentenced.If it is not possible for the EHCP coordinator and or the DCO to attend the planning meeting consideration should be given to involve them virtually in the meeting. **Health provision needs** The SEND team will notify the SEN panel that there has been a change in circumstances to the needs of the child or young person and make appropriate recommendations to support the child or young person.The DCO will liaise with the health services commissioner for the relevant youth accommodation who must arrange appropriate health care provision for the detained person. This should be discussed at the initial custody planning attended and supported by the SEND coordinator and the DCO.  |
| **Young people remanded and sentenced to custody-serving custodial sentence**  | **Annual EHCP review whilst child/young person is in custody:*** The YJS supervising case officer will liaise with the EHCP coordinator to agree a date for the annual review meeting which will be held in custody.
* The YJS supervising case officer will inform custody of this date.
* YJS supervising case officer ensures that custody has the latest version of the EHCP, and it is also attached to the case file on the YJ case management system
 | EHCP coordinator will lead the annual review meeting/discussionEHCP coordinator will forward to the YJ case worker the updated EHCP following the annual review. SEND team will involve virtual school in the review where applicable.EHCP coordinator/senior will attend and lead the annual review meeting. (note the annual reviews for children who are looked after will be led by the Virtual Head)EHCP coordinator will forward the YJS supervising case officer the updated EHCP following the annual review.If the child/young person has health provision in their EHCP. Designated Clinical Officer (DCO) should also attend the review meeting where possible. If it is not possible for the EHCP coordinator and or the DCO to attend the review meeting consideration should be given to them conference calling in or arranging an alternative meeting.EHCP to be reviewed 3 months prior to the child being released into the community. It is the responsibility of the SEND team to ensure this is completed. If a child is sentenced to period in custody less than 6 months, then the plan must be reviewed prior to release.If a child is remanded, then it is not usually possible to know when they will be released into the community. In these circumstances the plan must reviewed as soon as the child is released into the community.  |
| **Child/young person with SEND needs (without EHCP) entering Custody/Remand**Where a detained child/young person does not have an EHCP, but it is considered they have SEND needs, the appropriate person (this can be the YJS Supervising Case Officer or the person in charge of the relevant youth accommodation) can request an EHC needs assessment for the detained child young person from their local authority. It is the YJS Supervising Case Officer to direct this request to the SEND service and contact the SPOC.  | SEN SPOC will be responsible for invoking the SEN process in response to the request for the EHC needs assessment.The SEND service will consider the request for the EHC needs assessment in line with the legal framework and local EHCP process and practice. |
| Note: for those children entering custody as CLA/leaving care, YJS supervising case officer should also notify the Virtual Head who will liaise with the SEND service and agree who will convene the annual review. |
| **Transfers to another custody establishment whilst juvenile** | The YJS supervising case officer must notify the SEN service when a detained person with an EHCP has been transferred from one place of relevant youth accommodation to another. The YJS supervising case officer must ensure that the existing EHCP is forwarded to the relevant person in charge of the new relevant youth accommodation within 5 working days of the transfer.  | SEN@enfield.gov.ukMeghi Stavrinos - Senior SEND Advisory Officer meghi.stavrinos@enfield.gov.ukTanzila Aziz – SEND Advisory Officer tanzila.aziz@enfield.gov.ukCeyda Ahmet – Business Support OfficerCeyda.ahmet@enfield.gov.uk   |
| **Information sharing/ management oversight between SEN and YJS** | YJS Deputy Head will ensure that the YJS shares with the designated SEND management SPOC on a monthly basis the current list of YJ cohort, noting name, disposal service, duration served, SEND/EHCP status to ensure there is coordinated approach to the planning and delivery of support and annual reviews. List to be shared on first week of each month and will be sent to SEND SPOC  | Meghi Stavrinos - Senior SEND Advisory Officer meghi.stavrinos@enfield.gov.ukTanzila Aziz – SEND Advisory Officer tanzila.aziz@enfield.gov.ukCeyda Ahmet – Business Support OfficerCeyda.ahmet@enfield.gov.uk SEND Manager will ensure that the list is reviewed, and cross referenced with SEN children and return to:the Deputy Head of YJS Nicholas CordwellHead of YJS Linda Crawford. |
| **Workforce development, practice and training to effectively support**  | YJS Deputy Head/Practice lead is responsible for:* ensuring that all YJS supervising case officers and their managers understand their responsibilities in relation to young offenders with SEND needs and have accessed relevant training
* Ensuring there are appropriate quality assurance arrangements in place for effective practice in line with this protocol.
* Reviewing and maintaining this protocol up to date
 | Head of SEND service is responsible for:* Dissemination of the protocol to the workforce
* ensuring that SEND staff are working to the agreed local working practice under this protocol.
* Reviewing and maintaining this protocol up to date from the SEND perspective
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| **Escalation protocol**  | For operational issues or barriers preventing practice adhering to the joined working protocol, these must be escalated to: Head of YJS and Head of SENIf the Head of YJS and Head of SEN cannot agree or resolve, this should be escalated to: Head of YP and Community Safety Director of EducationFor concerns about youth custody practice that may have a detrimental impact on child’s welfare and safety, escalations should be made by YJS management in the first instance to the respective Governor. If not resolved, issue must be escalated by the Head/Deputy Head of YJS to the YJB. |

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[To be reviewed annually]

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