

Youth Custody

The local authority must promote the fulfilment of the detained person's learning potential while they are in custody and on their release, whether they have an EHC plan or not.¹



What does the Code say²?

- The new requirements aim to provide continuing and appropriate special Educational and Health provision needed by a child or young person with special educational needs and/or disabilities (SEND).
- This part of the framework applies to children and young people **aged 18 and under** who have been sentenced or remanded by the Courts to relevant youth accommodation in England. Relevant youth accommodation is a Young Offender Institution, a Secure Training Centre or a Secure Children's Home and in future will include, Secure Colleges.
- The principles of the Reforms support the timely identification and assessment of special educational needs (SEN) and provision of high quality support at the earliest opportunity – this is relevant both in the community and for children and young people detained in youth custody.
- The home Local Authority must promote the fulfilment of all detained children and young people's learning potential while they are in custody and on release whether they have an Education and Healthcare (EHC) plan or not. Education providers should ensure SEN provision, identification and support follows the model for schools and colleges.
- Where a child or young person has an EHC plan in place on entering custody, the home Local Authority must keep it and any education and/or health provision specified in it must be arranged. If the provision specified appears no longer to be appropriate the Local Authority or Health care Commissioner must arrange provision it considers appropriate. Similarly, if the specified provision in their EHC plan is not practicable, provision as close as possible to it must be arranged.

A little more about...

The Home Local Authority is where the detained young person is 'ordinarily resident'

Ordinarily resident is a legal term defined as 'The place where in the settled routine of an individual's life, he or she regularly, normally or customarily lives'

- For a child or young person entering custody without an EHC plan, the person in charge of the relevant youth accommodation, the child's parent/carer or the young person themselves have the right to request an assessment of their post-detention needs to establish whether an EHC assessment is necessary. If a child or young person has been assessed as requiring an EHC plan, one must be prepared and the provision in it arranged.
 - When a child or young person is detained, the Youth Offending Team (YOT) must tell the Local Authority, and if they have an EHC plan, the Local Authority must send it to the YOT and the secure establishment. If the child or young person is known to have SEN, details of this and any assessments undertaken should also be passed on.
 - The Code is also clear that identification is important and mentions the screening process for speech, language and communication needs (SLCN) specifically. On entry to custody, all detained children and young people are screened using the Comprehensive Health Assessment Tool (CHAT) which includes a screening for SLCN. They are also all assessed using the approved Youth Justice Board Assessment Tool and this includes collecting information from a number of different sources including the child education institutions, Local Authorities and health providers.
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What are the Key Issues for SLCN?

- SLCN are remarkably common within the youth justice sector: upwards of 60% of children and young people who offend have SLCN.³
- Identification of SLCN in youth justice settings is of paramount importance and staff's ability and confidence to recognise and support SLCN is essential.
- It is especially important that the support detained children and young people with SLCN who do not have EHC plans get from all those working with them is effective in supporting their needs. This may include the education provider, their YOT case worker and other key professionals including where relevant specialists such as Speech and Language Therapists.
- It is important that the role a child or young person's SLCN may have played in their journey to committing an offence is understood and addressed and that the SEND support process is used.
- Pathways for accessing Speech and Language Therapy (SLT) in youth custody are often different from those in the community. It is important that those working in relevant accommodation have a clear understanding with Local Authorities and NHS England as the health provider about how SLT provision will be arranged and delivered in their setting. It is essential that confusion or disagreement around this process does not lead to children and young people missing out on the required level and type of SLT support.

Research snapshot...

While research identifies that large numbers of children and young people in the youth justice sector will have SLCN, many of these needs will not have been identified- one piece of research found that in only 5% of cases were SLCN identified before the offending began.⁴



What are the Key Strategies for SLCN?

- Being aware of the **prevalence levels of SLCN** in children and young people in youth custody is important.
- Be aware of **developmental norms and the signs of SLCN**. This is essential for staff working with detained children and young people to help them identify those who might be struggling.
- **Screening tools should not replace assessment by a specialist**. Whilst it is beneficial that there are screening processes in place for identifying SLCN (as outlined above) it is essential that where need is identified in this screening process that this results in a referral for a full speech, language and communication needs assessment by a specialist, to ensure the child or young person's needs are accurately met.
- **Be aware of how many complex terms a young person will encounter within the youth justice system**. There's a list in *Sentence Trouble* which may be helpful.
- Ensure all those working with children and young people are aware of and use key strategies to **support SLCN through access to information, training and professional development**. The Communication Trust's *Sentence Trouble* and *Doing Justice to SLCN* resources have useful ideas and information to support this.
- **Work as closely as possible with a range of different professionals**. Joined up working is a key feature of the Code and this applies equally in relevant youth accommodation. There are a large number of adults involved in each detained young person's day to day support and education. Ensuring these adults are joining up and using shared strategies and approaches and also that they have an appropriate and consistent knowledge of the child or young person's SLCN is essential. Joint working is equally important at a more strategic service level to ensure each setting is providing a joined up and efficient support network.

A little more about...

The CHAT SLCN screen will be an important part of this, as will the AssetPlus SLCN and neuro-disability screening tool which is available from the Youth Justice Board. However, if all staff are confident in knowing the signs of a young person who's struggling with their communication, identification processes will be further strengthened. The Code provides new rights and responsibilities to those working with these children and young people who they suspect to have SEN to bring them to the Local Authority's attention, and being equipped with this basic knowledge about SLCN will ensure all staff are able to use this new opportunity to best effect.

For example...

Instead of 'adjourn', say 'the court hearing has stopped for now and will begin again on X day.'

For example...

Strategies such as using simple language and short chunks of information can help understanding; using visual aids such as drawings or pictures are also helpful.

- **Develop strong working relationships with the Local Authority SEND team.** In some areas, this is an approach already in place and it has been shown to be highly effective both in terms of benefiting children and young people with SLCN but also in that it offers important development opportunities for staff both in the community and in relevant youth accommodation. It is also an important element of ensuring the requirements around information sharing are met.
 - Having a **robust system in place to monitor and evidence progress** made around speech, language and communication should be a priority in relevant youth accommodation given the numbers of children and young people with SLCN in these settings. There are a number of resources available which can support this process including The Communication Trust's *Progression Tools* and *Universally Speaking*.
 - There is a **real opportunity for data gathered from relevant youth accommodation to feed into the joint strategic needs assessment processes** as part of the commissioning cycle. The level of SLCN we would expect to be identified in relevant youth accommodation could have a significant impact on better understanding and planning nationally and locally for SLCN prevalence, and this could in turn lead to better early identification and access to timely support.
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What does success look like?



From the child or young person's perspective:

- My speech, language and communication needs have been recognised and the adults around me are supporting me to make progress and develop my skills.
- All the staff I come into contact with understand my needs and have knowledge about what helps me to understand and to participate to the best of my ability. They make adaptations to their language and also use visual supports to help me to understand.
- I have an EHC plan which outlines the support I need to help me achieve the outcomes important to me.

OR

Though I don't need an EHC plan, the assessment process highlighted some things I struggle with and ways to help me. My family and I know about relevant resources and support available to help me through my Local Authority's Local Offer.

- The people who support me know how to access help and support from specialist services such as Speech and Language Therapy.
- I am involved in making decisions about my life. I am encouraged to make choices throughout my day. I feel listened to and understood.
- There will be good transition support for me for when I go back into the community. Information about what helps me will be shared with relevant others. There will be a clear plan in place that I will be involved in. Time will be taken to prepare me for any changes.



References



1. SEND Code of Practice Section 10.74
2. SEND Code of Practice Sections: 10.60 – 10.150
3. The Communication Trust, *Sentence Trouble*



There is a wide range of other guidance available to help practitioners deliver the Reforms which Communicating the Code seeks to add to rather than duplicate. Follow [this link](#) to find additional resources and support and [this link](#) to see examples of good practice and case studies relating to the Code of Practice.

This document can also be downloaded from our website at www.thecommunicationtrust.org.uk
