



a Special Educational Needs Overview for Youth Offending Teams

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on behalf of the
Welsh Assembly Government

Aims of this Session

- To provide an overview of Special Educational Needs
- Raise awareness of the SEN's and disabilities that young people within the YJS may have.
- Focus on the most effective ways of supporting these young people



- Each year, 150,000 children and young people enter the youth justice system in England and Wales
- 150,000 young people under 18
- 70,000 school age

Youth Justice Board - 2004



- Offending by children and young people is invariably a response to a range of social and familial factors
- The relationship between education, crime and anti-social behaviour is well established
- These young people often have a history of disrupted education provision – exclusions, self-exclusion, poor school attendance
- A significant number of these young people will have Special Educational Needs



HM Prison Inspectorate's research of offenders aged under 18

- 49% reported having at some time been looked after by the local authority
- 84% had been excluded from school
- 86% had truanted from school
- 52% had left school at 14 or younger
- 29% had left school at 13 or younger
- 10% had one or more GCSEs
- 73% described educational achievement as nil



- 15% have Statements of their SEN compared to 2 or 3% in the general school population
- 60% - 90% have speech, language or communication needs (SLCN)
- 56% of young offenders in the community and custody are identified with Dyslexia

BDA with Bradford YOT (2004)

- 60% of young people have emotional or mental health problems



- Of young offenders studied in the community and custody, 25% had an IQ less than 70, a further 33% an IQ of 70-80

Harrington et al (2005)

- Of young people attending the Youth Offending Team studied, 52% had special educational needs, 66% had literacy difficulties

Stallard et al (2003)

- 35% of offenders have speaking and listening skills below level 1 of the National Curriculum (the expected level for a 5 year old)

Davies et al (2004)



Legal Framework

(England, Wales and Northern Ireland)

The primary legislative source for pupils with SEN's in England, Wales and Northern Ireland is *Part IV* of the *Education Act 1996*

The 1996 Act was amended by the *SEN Disability Act 2001* which incorporated the following:

- not to discriminate against a pupil or student for a reason related to disability
- a duty to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage

The National Assembly for Wales (Legislative Competence) (Education and Training) Order 2008, the Assembly is now able to make changes, by way of an Assembly Measure, to the statutory assessment process in Wales



ALN's

- Learners will have Additional Learning Needs (ALN's) when the support they require is greater than the majority of their peers
- Certain groups of pupils are more likely to have ALN's which may lead to disengagement and disaffection if timely appropriate support is not provided



SEN Definitions

- Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them

(Special Educational Needs Code of Practice for Wales 2002,1:3)

- What is a learning difficulty?
- What is special educational provision?



Areas of Special Educational Needs

- Communication and interaction
- Cognition and learning
- Behaviour, emotional and social development
- Sensory and/or physical and medical



Special Educational Needs Code of Practice for Wales 2002

- *What is the Code of Practice?*
- *What is the Code's Legal Status?*

Focus is on:

- Partnership with Parents
- Voice of the child
- Graduated Response
- Introduction of guidance on identifying and meeting
- Special Educational Needs in Early Years settings



How do educational settings
meet the needs
of pupils with
Special Educational Needs?



The Graduated Response

- The **Graduated Response** ensures a *step-by-step* approach to identifying and meeting the needs of children with **Special Educational Needs**
- There are 4 key phases:
 - School/Early Years Action
 - School/Early Year Action Plus
 - Requests for Statutory Assessments
 - Statements of Special Educational Needs



Individual Education Plan (IEP)

- voice of child
- what is different or additional
- aims: 3 or 4 short-term targets
- appropriate teaching strategies and provision
- date of review
- review of action taken

The COP suggests that IEP's are reviewed **at least** three times a year, in consultation with **parents and child**



Statutory Assessments and Statements

- Referral Routes?
 - Child/Young Person's Setting
 - Parent
 - Other Agency - Health/Social Services



Conducting a Statutory Assessment

As part of the process of assessment the LEA must seek written:

- Parental Advice?
- Educational Advice?
- Medical Advice?
- Psychological Advice?
- Social Services Advice?
- Any other advice?



What is a STATEMENT?

Part 1 – Introduction

Part 2 – Special Educational Needs

Part 3 - Special Educational Provision

Part 4 - Placement

Part 5 - Non Educational Needs

Part 6 - Non Educational Provision



What if the LEA decide not to issue a STATEMENT?

The LEA must:

- write to the parents telling them of that decision and their reasons;

and

- tell the parents about their right of Appeal to the SEN Tribunal, time limits, Parent Partnership Service and Disagreement Resolution Services



Annual Review?

Statutory duty that critically assesses:

- progress of child
- parents' and child's views
- the effectiveness of the IEP
- the effectiveness of interventions
- possible changes in nature/extent of need
- future planning



Annual Review... Who is involved?

The Head teacher (or person delegated by the Head teacher) must convene a meeting and invite the following:

- child's parents
- a relevant school teacher (choice of head)
- an LEA representative
- any other person the head teacher considers appropriate
- the SENCO of the receiving school (if there is a transfer)



Transition Planning

The 1st review following a young persons **14th birthday** and subsequently will include a transition plan

Who will be invited?

- Child and parent/carer
- Head/Senior Teacher
- Careers Service
- Social Services i.e. Child Care Disability
- Team/Community Support Team

It is good practice for students without a Statement to also have a transition review, but not compulsory



The transition plan should include:

- Post 16 education choices including further education, higher education and specialist colleges; workplace and training opportunities
- Information regarding transferring from children's services to adult services, in Health and Social Services
- Getting help to develop independent living skills, information on leisure activities, money and health



Looked After Children

(Leaving Care Act 2000)

- Looked After Children will have a **Pathway Plan**
- **Social Services Leaving Care Support Team** will attend **Looked After Children's Review**. A **Personal Advisor** will be allocated
- If young person is **leaving school** and has a **Statement of SEN**, an **Assessment Report** will be produced for the purpose of informing colleges and training providers



Transition planning for young people educated 'other than in school'

- Where a YP with a Statement is being educated 'other than in school', the LEA is responsible for ensuring appropriate arrangements are made to develop the transition plan
- Where a young person is outside of formal education, Careers Wales has a particular responsibility to identify/re-engage and to ensure needs are assessed and appropriate provision is offered



Post 16 Assessments

- When YP becomes 16, their Statement will only be valid if they stay on at school.
- Assessment of needs replaces the Statement.
- The WAG is legally responsible for assessments of YP with learning difficulty's from their last year of compulsory schooling to the age of 25 (*section 140 The Learning and Skills Act*).
- The obligation is discharged through an arrangement with **Careers Wales**.
- Students between the ages of 19 and 25 in FE may also have an assessment regardless of whether they had a Statement in the past.



Why is information important?

- Assessment
- Intervention programmes
- Pre-Sentence Report/Recommendations
- Risk Management
- Vulnerability management



- SEN assessments and reports can provide crucial information about the young person's difficulties
- In the absence of information the young person's behaviour and actions may be viewed and dealt with significantly differently
- Sentencing can be hampered
- Effective assessment of need, planning and review is compromised if there is a scarcity of information



7 Golden Rules for Information Sharing

1. Remember that the Data Protection Act is not a barrier to sharing information
2. Be open and honest with the person or family
3. Seek advice if you are in any doubt
4. Share with consent where appropriate
5. Consider safety and well-being
6. Necessary, proportionate, relevant, accurate, timely, and secure
7. Keep a record of your decision and reasons



Missed Opportunities

'James' = young person with SEN

Cost = **£153,687**

(includes two custodial sentences before 16)

Cost to James = ?

Youth Justice 2004 - Audit Commission (2004)

