

**CHILDREN AND FAMILIES BILL**  
**HOUSE OF COMMONS SECOND READING**  
**14 FEBRUARY 2013**

**ABOUT SCYJ & SEC**

The Standing Committee for Youth Justice (SCYJ) and the Special Educational Consortium (SEC) are coalitions together representing over 50 organisations. They champion youth justice reform and promote the right of children to high quality special educational needs provision, respectively.

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The Standing Committee for Youth Justice and the Special Educational Consortium are calling for the Government:

- To explain why young people in custody should not retain their rights to educational support set out in their EHC plan;
- To confirm whether the Ministry of Justice's review of the education of youth offenders will take into account the reforms in the Children and Families Bill;
- Extend the new SEN framework to children and young people in the secure estate

**Young people in custody with special educational needs**

Children and young people with special educational needs are significantly over-represented in the youth justice system:

- Research studies generally acknowledge that around 60% of children and young people in custody have a communication disability and, of this group, around half have poor or very poor communication skills<sup>1</sup>.
- Over a quarter of children in the youth justice system have a learning disability, while more than three-quarters have serious difficulties with literacy<sup>2</sup>.

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<sup>1</sup> Department for Children Schools and Families (2008). *The Bercow Report: A Review of Services for Children and Young People (0–19) with Speech, Language and Communication Needs*

<sup>2</sup> Department of Health (December 2009). *Healthy Children, Safer Communities - a strategy to promote the health and wellbeing of children and young people in the youth justice system*

- 15% of young offenders have a statement of special educational needs, compared to 3% of the general population<sup>3</sup>.

The SEN reforms in the Children and Families Bill provide an opportunity to improve support for this group of children and young people. However, the Bill explicitly excludes children and young people in custody from the new framework. A failure to meet their special educational needs may well have contributed to many of these young people entering custody in the first place. It would be deeply unjust if these educational needs continue to go unaddressed while they are there. Addressing educational needs should be seen as a vital part of equipping young people for a better future while they are in the youth justice system.

### **CLAUSE 69 – detained children and young people**

SCYJ and SEC have very serious concerns that clause 69 of the Children and Families Bill explicitly excludes children and young people in custody from the new SEN framework. This means that the new Education, Health and Care plans will not continue when a young person is in custody and young people will lose entitlement to vital educational support during that time.

SCYJ and SEC recognise that the Government has sought to improve the current situation by making some changes to the Bill. These are:

- Proposals to maintain (freeze) the EHC plan while the child is in custody and place a duty on local authorities to review the plan post-custody (clause 47);
- Requiring local authorities to consult with their local youth offending team about whether local SEN provision is sufficient (clause 27); and
- Requiring local authorities to cooperate with youth offending teams (clauses 28 and 31).

While these provisions are a step in the right direction, they fall far short of what is required to address the special educational needs of children at risk of offending and those who offend. Given that children in custody are particularly disadvantaged in this respect, it is illogical that they are left out of the provision. Their successful rehabilitation relies on these needs being addressed. The unique opportunity of this Bill to provide children with the support needed to address their SEN while in custody must not be lost. We hope Parliament will raise this issue as a matter of urgency.

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<sup>3</sup> Jacobson J et al (2010), *Punishing Disadvantage: a profile of children in custody*, London: Prison Reform Trust

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*The contents of this document do not necessarily reflect the views of all member  
organisations of the SCYJ*

*The Special Educational Consortium is based at the Council for Disabled Children  
which is hosted by the National Children's Bureau.*