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STATUTORY INSTRUMENTS

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**2015 No. 62**

**EDUCATION, ENGLAND**

The Special Educational Needs and Disability  
(Detained Persons) Regulations 2015

*Made* - - - - 26th January 2015  
*Laid before Parliament* 28th January 2015  
*Coming into force* 1st April 2015

THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY  
(DETAINED PERSONS) REGULATIONS 2015

PART 1

Introduction

1. Citation and commencement
2. Interpretation

PART 2

Detained persons with special educational needs

*Assessments*

3. Consideration of request
4. Determination whether or not special educational provision may be necessary
5. Decision whether or not to conduct a detained person's EHC needs assessment
6. Information and advice to be obtained for a detained person's EHC Needs Assessments
7. Matters to be taken into account in securing a detained person's EHC needs assessment
8. Duty to co-operate in a detained person's EHC needs assessment
9. Provision of advice, information and support to the appropriate person
10. Decision not to secure an EHC plan

*Status: This is the original version (as it was originally made).*

*EHC plans*

11. Preparation of EHC plans for a detained person
12. Form of EHC plan
13. Timescales for EHC plans
14. Sending the finalised EHC plan
15. Needs assessments which are not completed
16. Transfer of a kept EHC plan
17. Restriction on disclosure of EHC plans

PART 3

*Mediation*

18. Information to be included in notices sent by a home authority
19. Requirement to consider mediation
20. Where the appropriate person does not wish to or fails to pursue mediation
21. Mediation
22. Arrangements for mediation
23. Attendance at the mediation
24. Mediation certificate under section 55(5) of the Act
25. Training, qualifications and experience of mediators
26. Expenses
27. Steps to be taken by a home authority

PART 4

*Appeals*

28. Powers of the First-tier Tribunal
29. Compliance with the orders of the First-tier Tribunal
30. Unopposed appeals

PART 5

*Appropriate persons and detained persons lacking capacity*

31. Where a child's parent lacks capacity
32. Where a young person lacks capacity
33. Mental Capacity Act 2005  
Signature

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SCHEDULE —

PART 1

**The regulations referred to in regulation 32(2)(a) are—**

PART 2

Explanatory Note