

Refusal to assess

What does the SEND Code of Practice say?

This information is for parents who have requested an Education Health and Care Plan (EHC) Needs Assessment and the local authority (LA) have decided 'not to assess'. You may also want to read our leaflet 'EHC Needs Assessment'.

The SEND Code of Practice says:

'If the local authority decides not to conduct an EHC needs assessment it must inform the child's parents or the young person of their right to appeal that decision, the time limit for doing so, the requirement for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services. The local authority should also provide feedback collected during the process of considering whether an EHC needs assessment is necessary, including evidence from professionals, which the parent, young person, early years provider, school or post-16 institution may find useful.' (9.19)

It is important to establish the full reasons for the decision as this will help you decide next steps for your child/young person. We have put together some useful tips...

Remember

- Clarify anything you are unclear about regarding the decision
- If you have been unable to find this information out by telephone, you can ask if the local authority (LA) will meet with you
- There is no such thing as a silly question
- When you come away from the telephone call or meeting you should feel as if you understand why the LA has reached this decision, even if you do not agree with the reasons
- It is useful to take notes to help you remember what has been said

Questions you could ask...

- If the LA say that they believe your child's needs can be met without an EHC needs assessment, **ask the LA to explain exactly what the school could be doing.** Make notes about this because you might need to go back to school to discuss this with them.
- If the LA say that they need to have more evidence **ask them to be clear about exactly what evidence they would need.** For example, this might be more information about your child's progress and the impact of any previous advice/recommendations.
- **Make sure the LA have all the evidence you think they should have.** If you sent in any reports or were expecting school to have sent in any information, make sure these have been received by the LA.
- **Was there any information you think the LA should know about that might have been missed?** For example, is there anything you forgot to put in your parent's views form?
- **Have you received any reports or had any meetings with professionals like a Community Pediatrician or Occupational Therapist,** since the request for an EHC needs assessment? If so, ask the LA if a copy of a report from this professional might make a difference to the 'no' decision.
- Are the LA recommending school seek any specialist advice?
- Do you have any further questions or issues you wish to raise about the decision?

You have the right to mediation and to appeal this decision.
You will need to consider mediation first.

You can talk any of this through with us confidentially by calling 01326 331633 See also our leaflets Education, health and care needs assessment and Education health & care plans.

You can read about Education, Health and Care needs assessments in the **SEND Code of Practice** Chapter 9.

SENDIASS can give you:

- Information about **EHC Needs Assessments**
- Advice and support during the process of assessment
- Details of other organisations, support groups and services that may be of help
- Information, advice and support about your rights to make a complaint, seek independent disagreement resolution or mediation

Further Information



Information: You may find it helpful to look at our other leaflets and information on our website, social media channels and through our workshops and courses. We have some downloadable resources. If you can't find the answers.



Advice: We provide unbiased information and advice about what the law says, the local authority's policies and procedures, and about the policy and practice in local schools or other settings. We do not take sides or tell you what to do, we will help you get the information you need to make your **own choices**.



Support: We can help you by **listening** to your views and concerns, whilst working with you to explore your options. We can help you with preparation for meetings, with letters, forms and reports and support you to have the confidence to **express your views**.

Useful Links

Ace Education (independent advice and information on state education in England.)

Child Law Advice (education law advice for families)
www.childlawadvice.org.uk

Contact (for families with disabled children) www.contact.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector)
www.councilfordisabledchildren.org.uk

IASS (information, advice and support services network)
www.cyp.iassnetwork.org.uk

IPSEA (national charity providing legally based information advice and support) www.ipsea.org.uk

Our Website www.cornwallsendiass.org.uk

SEND Code of Practice (explains the statutory duties of schools and local authorities)
www.gov.uk/government/publications/send-code-of-practice-0-to-25

SEND Tribunals Service (organisation responsible for handling claims)
www.justice.gov.uk/tribunals/send.

If you would like any further information please see the links below to our website and social media pages.

Alternatively, if you would like some extra support for your child/young person you can call or email our Advice Line service on 01326 331633 or info@cornwallsendiass.org.uk

**Our Advice Line is open 10:00-15:00
Monday to Friday**