

REFUSAL TO ASSESS



What does the SEND Code of Practice say?

This information is for parents who have requested an 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 and the time limit for doing so, of 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.



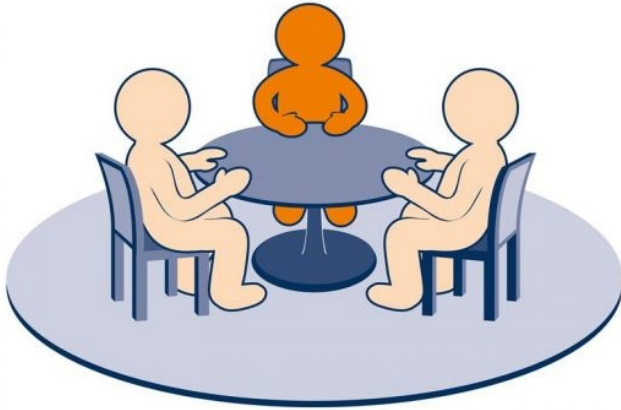
Remember:

- 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...

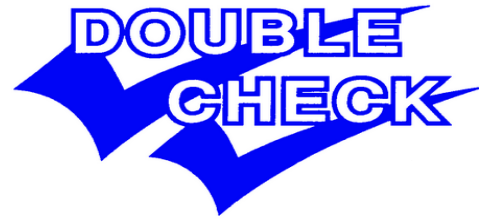
- If the LA say that they believe your child's needs can be met without an EHC needs assessment, ask the LA to **explain exactly** what the **school** could be doing. Make notes about this because you might need to go back to school to discuss this with them.



- 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 Paediatrician 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.





Contact SENDIASS Leicester if your child has Special Educational Needs (diagnosed **and** undiagnosed) to discuss Refusal to Assess. We can offer impartial help and advice to ensure that your child receives the appropriate help and support.

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