

sendiass

NORTH YORKSHIRE

Leaflets and Factsheets

Refusal to Assess

www.sendiassnorthyorkshire.co.uk

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 or email, you can ask if the local authority (LA) will meet with you
- There is no such thing as a silly question
- Following contact with the local authority, ensure you fully understand why the LA has reached this decision, even if you do not agree with the reasons.

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 a mediation meeting and to appeal this decision. You will need to consider mediation first.

You can talk any of this through with us confidentially by calling 01609 536923.

You can also visit our website to view our webinars:
<http://www.sendiassnorthyorkshire.co.uk>

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

The North Yorkshire Local Offer includes more information on the local arrangements for EHC needs assessments:

www.northyorks.gov.uk/send-local-offer

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 mediation or appealing to the First Tier Tribunal.

Should you need to appeal to the SEND Tribunal, IPSEA's refusal to assess pack gives you everything you need to appeal the local authority decision. Just follow the link: [Refusal to assess appeals | \(IPSEA\) Independent Provider of Special Education Advice](#)

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
- **Collis Mediation Ltd** (mediation and disagreement resolution service) www.collismediationltd.com
- **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
- **IASSN** (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.sendiassnorthyorkshire.co.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

sendiass NORTH YORKSHIRE

Special Educational Needs and Disabilities
Information, Advice and Support Service

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 01609 536923 or

info@sendiassnorthyorks.org.uk

Our Advice Line is open 9:30-1pm Monday to Friday during Term-Time and 9:30-1pm Tuesday and Thursday during School Holidays.



Information



Advice



Support



Education



Rights



EHC Plans



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