

# sendiass

**Refusal to assess –  
(Education, Health & Care  
needs assessment)**



## 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. 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 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. Our leaflet 'Disagreements about SEN provision' talks further about mediation and how to appeal.

You can talk any of this through with us confidentially by calling **01473 265210**. See also our leaflets Education, health and care needs assessment and Education health & care plans.

All our leaflets are available here: [www.suffolk.gov.uk/sendiaass/leaflets](http://www.suffolk.gov.uk/sendiaass/leaflets)

Special Educational Needs  
and Disability Information,  
Advice & Support Service

# sendiass

## Further Information

Contact us, **SENDIASS (Suffolk Special Educational Needs and Disabilities Information, Advice and Support Service)**:  
Helpline - **01473 265210**  
(office hours Mon-Fri)

Email - [sendiass@suffolk.gov.uk](mailto:sendiass@suffolk.gov.uk)  
Website - [www.suffolk.gov.uk/sendiass](http://www.suffolk.gov.uk/sendiass)

To find a useful definition of the words and terms, which are shown in bold, view our online glossary at [www.suffolk.gov.uk/sendiass/leaflets](http://www.suffolk.gov.uk/sendiass/leaflets)

## Useful Links

Contact a Family: [www.cafamily.org.uk](http://www.cafamily.org.uk)  
Child Law Advice:  
[www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)  
IPSEA: [www.ipsea.org.uk](http://www.ipsea.org.uk)  
Council for Disabled Children:  
[www.councilfordisabledchildren.org.uk/](http://www.councilfordisabledchildren.org.uk/)

 [www.facebook.com/parentpartnershipinsuffolk](https://www.facebook.com/parentpartnershipinsuffolk)

If you need help to understand this information in another language please call **03456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo.

**Portuguese**

Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.

**Polish**

এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন

**Bengali**

Jeigu jums reikia šios informacijos kita kalba, paskambinkite 03456 066 067

**Lithuanian**

Dacă aveți nevoie de ajutor pentru a înțelege această informație într-o altă limbă, vă rugăm să telefonați la numărul 03456 066 067

**Romanian**

Если для того чтобы понять эту информацию Вам нужна помощь на другом языке, позвоните, пожалуйста, по телефону 03456 066 067.

**Russian**

If you would like this information in another format, including audio or large print, please call **03456 066 067**.

 **recycle**  
for Suffolk

 **POSITIVE ABOUT  
DISABLED PEOPLE**

 **Stonewall**  
DIVERSITY CHAMPION

Designed and printed by Vertas Design & Print  
Phone: 01473 260600