



Bracknell Forest SENDIASS: Supporting families when an EHC needs assessment has been refused

The context

Bracknell Forest IASS provide free, impartial and confidential information, advice and support to local families on matters relating to SEN. When the LA refuses a request for an EHC needs assessment, parents receive a letter which includes the IASS contact details. Sometimes the IASS will already be working with families wishing to request an EHC needs assessment beforehand but sometimes the first contact with families is promoted by the LA letter informing them they will not be carrying out an EHC needs assessment. This case study deals with the later scenario.

The issue

When a school makes a request for an EHC needs assessment and it is refused, it can be disappointing for a family. However, it can be even more upsetting when a parent has decided to request an EHC needs assessment themselves, taking time to put together a parental request letter, with any supporting evidence. Sometimes families have made the request themselves out of desperation because they feel their child needs more support than they are getting at school currently. Sometimes the school does not think that it is necessary to make a request or they just have not got around to completing the paperwork. Parents who do not feel they have the support of the school, may be particularly concerned about the LA's refusal to assess decision when they contact IASS for more information about how to appeal.

The support provided by IASS

In all cases, Bracknell Forest IASS will provide the relevant information about how to challenge the LA's refusal to assess decision, including the duty to consider mediation, what it involves and how to appeal to the SEND Tribunal. However, the service always checks that the parent has a good overview of school's duties at SEN support level, a basic understanding of SEN funding and the relevant legal test found in the C&FA 2014 as well as relevant statutory guidance found in the SEND Code of Practice. This is essential in order that the parent can be empowered to make an informed decision about their next steps.

After the initial contact, parents are always emailed a summary of the discussion and offered follow up conversations. This allows parents time to digest the information before deciding which course of action to take. Often, one of two scenarios will emerge. Firstly, the parent may decide that based on the evidence presented in the EHC needs assessment request, they can understand the LA's decision and they will focus their efforts on working with their child's school to put in place appropriate SEN support for their child. Secondly, they may feel that the school is doing all they can to support their child within their own resources but that additional provision may be required in line with an EHCP and wish to challenge the LA's decision. This case study will focus on two specific cases, which highlight both of these scenarios.

Parent A had a daughter in primary school and had expressed concerns about her daughter's emotional difficulties to various school staff on numerous occasions over several years. Over the years, she had always been told by school staff that there were no issues at school, that her daughter was making good progress and that perhaps she should take some parenting courses to help with difficulties presenting at home. The parent noticed a lot of school related anxiety and her daughter had frequent meltdowns at home after school. When her daughter was eventually diagnosed with autism with a PDA profile, the parent felt that many years of school support had been missed and made a parental request for an EHC needs assessment without delay. The LA refused to assess, as no SEN support had been put in place and they felt that her needs could

be met under the resources available to a mainstream school. It was at this point that the parent contacted IASS.

After a discussion about the situation and the relevant legislation, the parent decided to speak with the school about putting in place special educational provision. Also, to highlight her dissatisfaction that over the years on numerous occasions, she had shared her concerns about her daughters needs and been told that everything was fine. IASS supported her and explained relevant sections of the SEND Code of Practice, such as it stating that parents know their children best and it is important that all professionals listen and understand when parents' express concerns about their child's development. IASS also talked through the four broad areas of need and that even where a child is making good academic progress, there may be other difficulties in the area of social, emotional and mental health for example or with social communication. IASS worked together with the parent identifying points to raise at a meeting with the school and supported the parent to express her views at the meeting.

The school reacted by drawing up an SEN support plan, which included having a trusted adult to speak with, earphones with meditation music to listen to when the classroom environment got too much, and social skills support. The school also agreed that the child could be assessed by an Educational Psychologist to report on any hidden signs of anxiety that the child may have been masking in school to date. In addition, the school said they would look into their internal policies regarding how they identify SEN and ensure they have processes in place to consider concerns raised by parents more fully to prevent other parents at the school having the same experience. They even offered for the parent to work with them on reviewing their policies and invited them to speak about their experience at the school's next teacher training day.

After IASS's involvement in providing relevant information and advice and then support to have a meeting with the school, the parent decided not to continue to challenge the LA's refusal to assess decision. The parent ended up with a much improved relationship with the school who were very responsive to the concerns raised and willing to make improvements to their policies and practice. The child was given some special educational provision and the involvement of a specialist to assess needs further.

Parent B had concerns about his son's progress and felt that that he required a higher level of support than the school could provide from within their own resources. He also felt that the school were not taking all his concerns as seriously as they should. The school said that the child was making adequate academic progress but the parent disputed this, having seen how much he was struggling with the schoolwork over the lockdown period. The parent decided to apply for an EHC needs assessment himself and when the LA refused to assess, contacted IASS for more information.

After a discussion with IASS, the parent asked the school for more information about the SEN support that they were currently providing, the annual cost of the provision and their records on their son's progress. Once this information was received and after further discussion with IASS, the parents decided that he would challenge the LA's decision. He decided that he would like to go to mediation and IASS supported him at the mediation meeting. IASS spoke with him ahead of time to discuss the main points that he wanted to raise and the IASS CYP officer was able to do some work directly with his child so that their voice could be heard at the meeting too. At the mediation meeting, the parent, with IASS's support, explained that the school had spent a little over their notional budget and still he felt that his child had not made enough progress and was falling further behind his peers. Also, that further assessments were required to gain a fuller understanding of all of the child's needs. At the mediation meeting, the LA decided to carry out an EHC needs assessment.

The difference made

Parent A benefited from IASS involvement by better understanding where to focus her energy after the LA's refusal to assess decision. This resulted in having a better working relationship with her daughter's school and a SEN support plan put in place for her daughter with an agreement to involve a specialist for further assessment.

Parent B benefited from IASS support in preparing for a mediation meeting and presenting the most relevant current evidence. This resulted in an EHC needs assessment being agreed and ultimately an EHCP being issued for his son.

Both parents gained a better understanding of SEND processes and felt more confident in dealing with their child's school (in the case of parent A), and the LA (in the case of parent B). Both also felt that things had got better for their child as a result of IASS's involvement.

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