



East Riding SENDIASS: Supporting families when an EHC needs assessment has been refused

The context

East Riding IASS is an inhouse commissioned service that provides SENDIASS across a mainly rural area. The service has recently gone through the tendering process and has signed a new SLA. There is currently a team of 3 FTE officers who hold case work for two regions within the LA and a service coordinator who manages the service and supports with mediation, tribunal and permanent exclusion case work.

The issue

Refusal to assess decisions are an ongoing part of the SENDIASS work and recently, through July and August specifically, there has been an increase in the amount of families contacting the service for support due to refusal to assess decisions.

The support provided by the IASS

When contacted by a family for advice in relation to a refusal to assess the conversation starts by talking through the CYP's needs and developing an understanding the reasons for the initial request for assessment. Parents are talked through the statutory test for assessment and advised of their rights to mediation and appeal on this decision and the process involved.

As a service it has been agreed to use the pre-mediation pathway that has been developed with the LA SEN team, to enable early resolution. This means families are encouraged to look at pre-mediation resolution but it is explained that this will only be done with their consent and does not impact on their rights of appeal or use of the formal mediation option. If parents agree to this approach, they are asked to contact the SEN team and request a copy of the information that went to the SEN panel to be sent across to the IASS. Parents are also advised by IASS to contact the mediation service to ensure they don't go beyond the statutory timeframes for appealing.

Once the information used by the LA in their decision making has been shared, IASS go through this and look for evidence that indicates it meets the legal test for assessment or look for where potential evidence is missing. Then the IASS discusses this with the family and either highlights where it is felt there is sufficient evidence to ask SEN to reconsider and with parental consent IASS will email the SEN managers with details about the case, highlighting where the evidence supports an assessment and asking them to reconsider the decision.

If when reviewing the evidence it appears to be insufficient to challenge the refusal to assess this will be discussed with the family including trying to identify any information that could be missing that was initially submitted or as is often the case, the information provided by the school lacks clarity. IASS may then advise a discussion with the school to see if their information missing can be updated to reflect the provision in place or costings added as this is the most common aspect missing. If there is sufficient time IASS will then ask for this to be resubmitted so it can be reconsidered along with the additional evidence otherwise it will be suggested this is the focus of the mediation session.

The difference made

The benefit of this process for service users has been the early resolution of 5 refusal to assess decisions i.e. they were overturned and assessments went ahead, during the last 3 months. Only one went to mediation and the refusal to assess decision was upheld. The result of this has been to be able to quickly resolve these disagreements and be able to support families to obtain an agreement to assess without the stress of having to go through a formal mediation process. Positive feedback from families has been received about this process and how it allows for quick resolution.

IASS is also arranging feedback themed meetings with the SEND panel to provide detailed information regarding the main reasons given for refusal to assess decisions. This is particularly important given the high percentage being turned over pre-mediation due to insufficient information for the decision to assess to be made in the first instance. It is hoped that this will reduce the number of refusals.

Contact details

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