



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

The context

Due to the COVID 19 pandemic the SENDIASS is working remotely/virtually with CYP and their parents/carers, to provide Information, advice and support.

The issue

SENDIASS received contact via the telephone helpline from a father. He was seeking information, advice and support specifically regarding the refusal to assess for his young son.

At the time of contact, this was a year 1 child currently undiagnosed – he was on an assessment pathway for a possible Autistic Spectrum Disorder diagnosis.

The child attended a mainstream primary school and received SEN support which had been reviewed regularly. The child had been making some progress in some areas and this had been evidenced by the high level of support the school had been delivering. However, the level of support that the school was having to provide to support the emotional, social and learning needs of the child was significantly over and above what was sustainable to deliver at SEN support. Parents and school were in agreement that his SEND needs were such that his special educational provision needed to be made through an EHCP.

The school had previously requested an Education, Health Care needs assessment on two other occasions and each time they had been refused. Father stated that due to not knowing and understanding the processes involved they had never appealed the LA decision.

The support provided by IASS

SEND IASS initially provided information and advice over the telephone regarding the refusal to assess process and highlighted the options and discussed at length to ensure the family understood them to enable them to make an informed choice in how they wished to proceed and move forward.

Further information was shared with the family via email explaining the points in law that the LA should apply when a request for an assessment is made. SENDIASS also shared information with the family around their right to appeal the decision when an EHC needs assessment is refused and the support that could be offered from SENDIASS around the appeal process. SENDIASS advised the family that the school should be able to provide a breakdown of costings of the support they were putting in place, as the LA were likely to want to scrutinise this as part of their decision-making process.

SENDIASS advised parents to request a “Way Forward Meeting” with the LA to discuss their decision. Due to capacity the service was unable to offer support at the meeting, however, SENDIASS were able to ensure the family felt supported in being prepared for the meeting which was held virtually via TEAMS. The SENCo and LSA from the child’s school attended the meeting as well as the parents.

Following on from this meeting the LA agreed to take the case back to panel where an assessment was agreed.

The difference made

The case study highlighted the support required by families in accessing assistance regarding the refusal to assess process and the SEND law and processes involved.

SENDIASS played a vital role in advising and equipping the family with the knowledge and confidence to have discussions with the LA about their decision not to assess their child's needs, which empowered parents to prepare for and progress through a meeting with the LA and school. Parents hadn't been aware of their rights in relation to the possibility of appealing a refusal to assess decision, as well as the legal test in relation to EHC needs assessment. Following advice from SENDIASS in relation to the costings the LA may ask to see from school, this was provided within the "Way Forward Meeting". This combination of factors resulted in a positive outcome for the child in securing an EHC needs assessment without the need to appeal to the First Tier Tribunal.

Contact details

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