



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

### The context

Newcastle SENDIASS returned to the office in September 2021, after working from home since the start of the Coronavirus pandemic. The team have continued to provide telephone support throughout the pandemic and have set up Teams appointments with families where previously it would have met face-to-face to offer support. Support has also been offered at meetings by attending virtually.

The LA has seen an increase in requests for EHC needs assessments following the lockdown periods as children have either struggled to return to school or difficulties have been highlighted due to the different ways of working.

### The issue

Parents contact the service when they receive a decision letter from the LA. A lot of parents have already spoken to their child's school and have often been advised to appeal against this decision.

Parents often describe feeling like they need to fight for their child, and a refusal to assess adds to that feeling. As a service it finds that many parents do not fully understand what an EHCP is, what it would be used for or what the legal test is.

### The support provided by IASS

When a parent first contacts the service using the phonenumber a lot of time is spent listening. Parents are invited to explain what has been happening with their child that has led up to the request for an EHC needs assessment being submitted to the LA. The decision letter is then discussed with the parents including the reason the LA have given and how they feel about it.

When a needs assessment has been turned down, it is explained to families they have 3 options and time is taken to discuss each one fully to ensure parents have a good understanding of what each would consist of. The options are; 1. accept the decision that at this moment in time a needs assessment is not needed, 2. meet with the professionals involved to look at what evidence was submitted and if the agreement is that a needs assessment is needed then re-request a needs assessment with additional evidence, or 3. appealing to the tribunal. It is during this conversation that we help families really understand what an EHCP is and what the legal test is. All these options have been chosen by different families and they are reassured it is their choice and IASS will support them through the process, whichever option they choose.

When a parent decides to appeal, they are supported with completing the tribunal forms and the process is explained to them. IASS ensures they understand the legal test and what they would need to provide in order to evidence that an assessment is needed.

When a family disagrees with the decision but would rather see if it can be resolved without going to tribunal, the usual recommendation is they ask the SENCo to arrange a meeting with all professionals involved and they invite IASS to also attend. These meetings have been held virtually since the start of the pandemic. They are helpful for the team to look at the decision and the evidence that was submitted. As an outcome for these meetings there is either a requirement for additional evidence to be collated or additional input to generate further evidence which is then submitted in another request to the LA. These meetings help to build trust between all agencies, as parents often feel someone is to blame when they have had a request turned

down. It makes the process clear and helps professionals to understand when an EHC needs assessment is necessary and the evidence that would be needed.

When a parent agrees with the LA decision following the conversation with IASS, something that regularly happens due to the many misconceptions about EHCPs and what they do, it is still suggested to parents they ask the SENCo for a meeting and invite IASS to attend. If they have got to the point of requesting an EHC needs assessment, then it is clear that something is not working which has driven them to that decision. This meeting really helps to get families and school on the same page and to look at the support that is in place and how school are meeting needs.

## **The difference made**

Parents come to the service when they have had a refusal to assess letter from the LA and they are confused and angry. IASS tries to help by providing clarity and understanding of the whole process. Taking the time to have these in-depth conversations really helps parents make an informed decision and know exactly what they need to do next.

The support offered to families is to walk the path with them, parents often comment that it just feels so much better as they are not doing it alone. IASS provides them with a point of call if they have any questions throughout the process, so they are reassured that at no point would they be stuck and not know what to do.

When looking at most aspects of casework, it always helps a parent to think in short, medium and long terms. Regardless of the decision they make going forward, their child is still going to be attending school the next day. Supporting parents to meet with schools really helps parents to feel confident that their child is having their needs met and that everyone is on the same page. The multi-agency meetings enable IASS to provide a range of professionals with the correct information and guidance around statutory processes which makes a difference to them when they come across similar situations again.

When parents contact the service after receiving a refusal to assess decision letter, 100% of them have called as they would like to appeal. After spending time discussing with IASS and gaining an understanding of the processes and potential outcomes, less than 10% make the decision to appeal to the tribunal. This is not because the IASS has talked them out of appeals but because they had previously entered a process without anyone helping them to understand it, and to be better informed what is achievable in schools without an EHCP. Parents provide feedback explaining the support provided by IASS is so valuable and they now feel they understand the processes and can make decisions confidently.

### **Contact details**

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