



Information Advice and Support

**SEND Information, Advice and Support Service
(SENDIASS)
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EHC Assessment

Refusal to Assess, Re-Assess or Issue an EHC Plan

**This leaflet explains what to do should the Local
Authority refuse to assess, re-assess
or issue the EHC Plan.**



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Chapter 11 - Resolving Disagreement - SEND Code of Practice

If your Local Authority (LA) decide that it is not necessary to assess, re-assess or issue an Education, Health and Care (EHC) Plan, and you disagree with this decision, you have the right to appeal to the First Tier Tribunal (Education and Disability).

However, before you register your Appeal, you **must** contact a Mediation Adviser to **consider** whether Mediation can resolve your disagreement with the Local Authority.

This service is independent and free to access.

For further details, please contact the SENDIAS Service.

Once mediation information has been provided, it is for the parent/carer or young person to decide whether or not to accept mediation before any appeal they might take to the Tribunal.

Once Mediation is completed, the Mediation Advisor **must** issue a certificate within 3 working days. If complete agreement has not been reached, the certificate **must** be sent to the Tribunal when the Appeal is registered.

If the parent/carer or young person decides **not** to go to Mediation, the Mediation Advisor **must** issue a Certificate within 3 working days, which must then be sent to the Tribunal when the Appeal is registered.

You will have 2 months from the date of the original decision **or** one month from receiving the Mediation Certificate to register an Appeal.

Gathering evidence for your Appeal

Try to gather the following evidence:

- any examples of your child's work which you feel clearly show their difficulties. Recent written work will be especially valuable particularly if this demonstrates difficulty with hand writing (letter formation) and/or difficulty with spellings
- School reports
- Home school diaries or extracts which show that your child is having difficulty (behaviour/difficulty with work set, tolerance to school rules and being able to follow them, etc)
- Communications between yourself and the school - such as letters or emails

- IEP's (Individual Education Plans)
- Standard Assessment Tests (SATS) results - all Key stages up to and including the one your child is now in
- Current teacher assessed National Curriculum levels across all subjects (not targets). Include all levels working at as well as predicted to work at.
- Reports from Health professionals such as Paediatricians, Therapists and Clinical and Educational Psychologists
- Advisory Teacher Reports
- Any independent reports you may have commissioned
- Disability Living Allowance (DLA) award notices
- Social worker reports (for instance, your child might have been assessed by your local Children With Disabilities Team)
- Anything else you think is important and should be included.

Write to the SENCO of your child's/young persons school and ask them to provide the following information:

- What special educational provision has the school been providing for your child and for how long?
- If you do have an IEP include a request for one here
- A school timetable for your child with the support provided highlighted
- The size of your child's class and the support provided in each class
- Ask how many children are on SEN support in your child's class
- Do any of the children in your child's class/es have either an EHC Plan or a Statement of Special Educational Needs (waiting to be transferred to an EHC Plan)
- Does your child have any 1 to 1 support in class? How long and for what?
- Is your child withdrawn for any lessons? Is this 1 to 1 or small group?

Collect your evidence and put together 2 files - one to keep for yourself, one to send to the Tribunal (you will also be required to send the same information to the Local Authority). Always photocopy your paperwork - never send originals.

Contact Send Information, Advice and Support Service (SENDIASS) for any further information, advice and support concerning Resolving Disagreements.