EHCP AND ASSESSMENTS | ENGLAND

Refusal to Assess Response Pack

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If a local authority in England refuses to carry out an EHC needs assessment, this pack helps you organise your response, questions and evidence. Deadlines can be short.

Check the decision letter the same day if you can. This pack does not lodge an appeal or extend a deadline. Get advice from SENDIASS or IPSEA promptly if you may want to challenge the decision.

Who this is for

Parents, carers and young people in England who have received a refusal to assess, or a refusal that they do not understand.

What is inside

- A reminder to check the deadline on the letter
- Space to unpack the reasons given
- An evidence and questions checklist
- A model follow-up letter you can adapt

Please read this first

This is a free starting-point resource from My SEND Friend. It is general information, not legal, medical or benefits advice, and it is not an official or government form. It does not guarantee an assessment, plan, adjustment, payment or any other outcome. Check current official guidance (for example GOV.UK) and get individual advice from SENDIASS, IPSEA or a suitably qualified adviser when you need it.

First: check the letter

Deadlines are important
A decision letter should explain the reasons and tell you about mediation and appeal rights. Time limits for appealing to the First-tier Tribunal (Special Educational Needs and Disability) are short. This pack cannot work out your deadline. Read the letter, keep the envelope if the date is unclear, and get advice quickly.

In broad terms, the local authority must consider whether the child or young person has or may have special educational needs, and whether it may be necessary for special educational provision to be made in accordance with an EHC plan. This pack does not apply that test for you.

Date of the decision letter

Date you received it

Deadline stated for mediation or appeal, if any

Date you asked SENDIASS or IPSEA for advice (optional)

The reasons given, and my response

The reasons the local authority gave, in their words

What I agree with, if anything

What I disagree with, and why, with examples or evidence

Evidence and next steps

- [ ] I have re-read the request I originally sent
- [ ] I have listed evidence that may not have been considered
- [ ] I have gathered any new information since the request
- [ ] I have checked the letter for mediation and appeal information
- [ ] I have contacted SENDIASS, IPSEA, or another adviser, or I plan to

New or missing evidence I can now provide

Model follow-up or response letter

> **How to use this letter**
> Replace anything in [square brackets] with your own details. Delete lines that do not apply. Keep the letter factual and in your own words. This is a starting point, not a required form of words, and sending it does not guarantee a particular outcome.

Model wording (adapt this):

To: [Local authority SEND team] Date: [Date]

Subject: Response to the decision not to carry out an EHC needs assessment for [child's name], date of birth [DOB] — decision dated [date]

Dear SEND Team,

I am writing about your letter dated [date] deciding not to carry out an EHC needs assessment for [child's name]. I received the letter on [date].

I remain of the view that [child's name] has or may have special educational needs and that it may be necessary for special educational provision to be made through an EHC plan. [Briefly explain why, with new or clearer examples if you have them. Refer to evidence already sent or now enclosed.]

I would be grateful if you would [confirm how I can challenge this decision / consider the additional information enclosed / confirm the deadline for mediation and appeal, and how to obtain a mediation certificate].

Please confirm receipt of this letter. Yours faithfully, [Name]

Notes for my actual letter

Useful next steps and sources

Use what helped in this pack and leave the rest. You can come back to it when you need to. Live tools on mysendfriend.co.uk remain free, including Help Me Now, the SEND Letter Builder, the Reasonable Adjustments Builder, the DLA and PIP Claim Planners, and the free resources hub. Saving work to My SEND Plan is optional.

Where to check official or independent information

Guidance and benefit rules can change. Check the current official position, and get individual advice when you need it.

- GOV.UK: Children with special educational needs and disabilities (SEND)
- GOV.UK: SEND Code of Practice: 0 to 25 years (2015)
- Children and Families Act 2014, and the SEND Regulations 2014
- Your local SENDIASS service (free and impartial)
- IPSEA, for legally based information about SEND law in England

A reminder about this free pack

This is a free starting-point resource from My SEND Friend. It is general information, not legal, medical or benefits advice, and it is not an official or government form. Using it does not start a statutory process or guarantee a particular outcome. Adapt every page to your situation.

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