



Refusal to Assess

Official RTA Decision

The LA should decide whether to undertake an EHCNA within 6 weeks of the initial request* and you should receive notice of their decision, in writing (even if this is after an initial phone call and even if it was the education setting that made the initial request).

If the LA have decided NOT to do an EHC needs Assessment (a 'Refusal To Assess' / RTA) they are required to give you information about why they are refusing to assess, along with your right to appeal, the time limits for doing so, information about mediation and disagreement resolution and information and advice about matters relating to the special educational needs of children and young people. (Send Regs 2014 5(3))

* There are specific exceptions to this – Summer holidays, exceptional personal circumstances affecting the child, the child's parent or the young person during this time period, the child, the child's parent or the young person are absent from the area of the authority for a continuous period of not less than 4 weeks during this time period.

If the LA have not included all of the reasons fully in their communication with you, we would advise contacting your LA and requesting all the information.

In considering whether to do anything about the decision, it is helpful to revisit the 2 legal tests within the Children & Families Act 2014 that have to be considered by the LA when a request for an EHCNA is made:

- (a) the child or young person has or may have special educational needs, and
- (b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

