

Refusal to Issue

For a refusal to issue appeal, the Local Authority has already completed an EHC needs assessment but has decided that an EHCP is not necessary. The key question for the Tribunal is whether it is necessary for special educational provision to be made through an EHCP.

Educational Evidence

- School reports showing lack of progress.
- Attainment data demonstrating the child is significantly behind peers.
- SEN Support plans and provision maps.
- Evidence of interventions already tried.
- Records of support currently being provided.
- Attendance records.
- Exclusion records.
- Evidence of emotionally based school avoidance (EBSA).
- Statements from teaching staff and the SENCO regarding unmet needs.
- Evidence that ordinary school resources are insufficient

Professional Assessments

- Educational Psychology reports
- Speech and Language Therapy (SALT) assessments
- Occupational Therapy (OT) reports
- Physiotherapy reports
- CAMHS or mental health assessments
- Private assessments (if LA assessments are lacking or disputed)

Health and Medical Evidence

- GP letters or consultant reports
- Diagnosis letters (e.g. autism, ADHD, dyslexia)
- Medication records or impact statements
- Hospital discharge summaries (if relevant)

Voice of the Child

- Child's views (written, video, or recorded)
- Drawings or letters expressing preferences or concerns
- Voice of the Child work completed with professionals

Parent Evidence

- Parent statements detailing lived experience
- Chronology of events (e.g. missed support, exclusions)
- Emails or letters to/from the LA or school
- Diary entries or logs of incidents or unmet needs

Social Care evidence

- Child and family assessment
- Family support plans whether for Team around the Family or Child in need meetings
- Social care assessments