
STATUTORY INSTRUMENTS

2014 No. 1530

The Special Educational Needs and Disability Regulations 2014

PART 2

Children and young people with special educational needs

Assessments

Decision whether or not to conduct an EHC needs assessment

5.—(1) The local authority must notify the child's parent or the young person as soon as practicable and in any event within 6 weeks of—

- (a) receiving a request for an assessment under section 36(1) of the Act, or
- (b) becoming responsible for the child or young person in accordance with section 24 of the Act

of its decision whether or not it is necessary to secure an EHC needs assessment for the child or young person.

(2) The local authority must also notify the persons who were notified in accordance with regulation 4(2) of its decision.

(3) When notifying the child's parent or the young person of its decision that it is not necessary to secure an EHC needs assessment for the child or young person, it must also notify them of—

- (a) their right to appeal that decision;
- (b) the time limits for doing so;
- (c) the information concerning mediation, set out in regulation 32; and
- (d) the availability of—
 - (i) disagreement resolution services; and
 - (ii) information and advice about matters relating to the special educational needs of children and young people.

(4) The local authority need not comply with the time limit referred to in paragraph (1) if it is impractical to do so because—

- (a) the local authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning one week before any date on which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- (b) the authority has requested advice from the person identified as having responsibility for special educational needs (if any), in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning one week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;

- (c) exceptional personal circumstances affect the child, the child's parent, or the young person during the time period referred to in paragraph (1); or
- (d) 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 the time period referred to in paragraph (1).