



Can Parents Refuse Special Educational Needs (SEN) Entitlements Provided Under SEN Legislation?

RANi Need to Know Guides | Pre EHCP Advisory sheet 3

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A guide for parents and carers on your legal rights to accept or decline SEN support, assessments, and Education, Health and Care Plans (EHCPs)

Overview

Parents sometimes ask whether they can refuse Special Educational Needs (SEN) entitlements, such as:

- SEN support in school
- An EHC needs assessment
- An Education, Health and Care (EHC) plan
- Specialist placement recommendations

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- Input from educational psychologists, speech therapists, or other professionals

This guide explains what the law says about parental consent and refusal in the SEND system, and your rights at each stage of the process.

Key Principle: SEN Support and Plans Are a Legal Right, Not an Obligation

SEN support and Education, Health and Care plans are designed to help children and young people with special educational needs access education and make progress. But it is your right, as a parent, to decline or withdraw from any part of this process if you choose—*with a few exceptions*.

1. Can I Refuse SEN Support in School?

Yes.

SEN Support (also known as "*SEN Support stage*") is provided within schools and settings under the SEND Code of Practice (2015). It does not require a formal legal document like an EHCP.

If a school identifies that your child has SEN, they must inform you and involve you in planning support.

You have the right to:

- Decline support if you feel it is unnecessary or inappropriate
- Request changes to interventions or approaches

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- Ask for regular reviews or withdraw consent for involvement from external agencies

However, schools are still legally required to identify and meet a child's SEN under Section 66 of the Children and Families Act 2014. They must act in the child's best educational interests — sometimes even if you disagree.

2. Can I Refuse an EHC Needs Assessment?

Yes.

An EHC needs assessment can only begin with the consent of the parent (for children under 16), or the young person themselves (aged 16–25).

If the local authority decides to carry out an assessment, they will ask for your views and consent. You can choose to:

- Decline the assessment altogether
- Withdraw consent part-way through
- Agree to parts but not others (e.g. decline certain professional assessments)

But remember: Without an assessment, your child may not receive an EHCP even if they need one.

3. Can I Refuse an EHCP or the Final Plan?

Yes.

Even if your child has undergone an EHC needs assessment and the local authority agrees to issue a plan, you can refuse the final EHCP.

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You can:

- Decline to have a draft EHCP finalised
- Refuse to sign or agree with the final EHCP
- Ask for it to be ceased later if you no longer feel it is needed

Important: While you can refuse the EHCP, the local authority may still issue one without your agreement if they believe it is legally necessary for the child's special educational needs. This happens more commonly when refusal may harm access to appropriate education.

4. Can I Refuse a School Placement or Specialist Provision in Section I of the EHCP?

Yes, but...

You have the right to request your preferred school or college when a draft plan is being prepared, and you can refuse a school proposed by the local authority.

However:

- The local authority may name a school against your wishes, particularly if the school you prefer is unsuitable or would be an inefficient use of public funds.
- If this happens, you have a right of appeal to the SEND Tribunal.

You cannot prevent the LA from naming a school by simply refusing the EHCP or Section I – your remedy is through a formal appeal.

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5. Can I Refuse Input From Therapists, Educational Psychologists, or Other Professionals?

Yes.

You are not obliged to allow:

- Educational psychology assessments
- Speech and language therapy input
- Occupational therapy evaluations
- Social care involvement

You can:

- Decline consent for individual assessments
- Decline ongoing support
- Opt out of multi-agency involvement

But this may weaken evidence available to support your child's EHCP or support provision.

6. Can I Refuse Mediation or Tribunal Appeals?

Yes.

All mediation and appeal routes are voluntary, though mediation must be considered before appealing to the SEND Tribunal in most cases.

You can choose:

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- Not to take any legal action if you disagree with a decision
 - To delay action
 - To resolve things informally
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7. Can I Home Educate and Refuse All Local Authority Involvement?

Yes, with limitations.

You have the right to home educate your child, even if they have special educational needs.

However:

- If your child has an EHCP, the local authority is still legally responsible for ensuring the special educational provision is made — unless the plan specifies that you are making the provision yourself (i.e. under Section 61 of the Children and Families Act 2014).
 - You cannot refuse Annual Reviews of an EHCP if one is in place — the LA is legally required to review it annually.
 - If the LA feels your child's needs are not being met at home, they may begin steps to cease the EHCP or raise concerns under safeguarding or education law.
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What Are the Risks of Refusing SEN Entitlements?

Refusing certain support or assessments may:

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- Make it harder to evidence the need for an EHCP
- Result in missed early intervention opportunities
- Lead to a breakdown in communication with the school or LA
- Impact your child's ability to access an appropriate education

You are within your rights to refuse — but weigh this against the potential long-term benefits of tailored support.

When Refusal Might Be Appropriate

Some valid reasons for parents refusing SEN support or entitlements include:

- Lack of trust in the process or professionals involved
- Belief that the provision is inappropriate or harmful
- Concerns over labelling or medicalising a child
- Wish to explore alternative therapies or support models
- Religious, cultural or philosophical objections

Your decisions must always be based on your child's best interests, and you should feel informed and empowered, not pressured.

Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information

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- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org
- **IPSEA** – Independent Provider of Special Education Advice: www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children: www.contact.org.uk

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

Get in Touch

If you need more information or have a question, we're here to help.

Email us: info@rani.org.uk

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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