**TEMPLATE LETTER/EMAIL: CHALLENGING A REFUSAL TO ASSESS**

***This letter template can be used freely without reference to Project 17. However, if you have any questions, you may wish to call our advice line for advisers on 07701330016.***

Children’s Social Care

ADDRESS

DATE

Dear Sir/Madam

**Urgent: Request for assessment under section 17 of the Children Act 1989**

**NAMES AND DATES OF BIRTH OF CHILDREN**

I write further to my letter/referral of DATE and your response of DATE in which you stated *reason given for not undertaking an assessment*.

I am extremely concerned by your response. As is clear from my original letter/referral (a copy of which I enclose for ease of reference), this family are unable to meet the costs of their accommodation and essential living needs and therefore the children’s needs are not being met. In these circumstances the children would appear to be “*in need*” and therefore you have a legal duty to undertake an assessment (see the House of Lords decision in *R(G) v Barnet LBC* [2003] UKHL 57 and the Working Together 2013 guidance).

Given the urgency of the family’s current situation I should be grateful for a response **by return** confirming that you will undertake an assessment and reach a service provision by DATE. Alternatively, if this is not possible, confirming that you will immediately provide support on a without prejudice basis pending the outcome of your assessment.

Should it remain your position that you will not be undertaking an assessment, please respond to this letter confirming that this is the case and setting out the reasons for your position.

In the absence of a satisfactory response I shall advise NAME to seek legal advice to remedy this situation. I very much hope that this will not prove necessary and that we can all work together in the best interest of CHILDREN’S NAMES.

I look forward to hearing from you.

Yours faithfully