**TEMPLATE LETTER: LOCAL AUTHORITY REFUSES TO ASSESS ON BASIS THAT ANOTHER LOCAL AUTHORITY IS RESPONSIBLE**

***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 07701 330 016.***

Children’s Social Care

ADDRESS

DATE

Dear Sir/Madam

**Referral for a child in need assessment**

**NAME AND DATE OF BIRTH OF CHILD**

I write further to my letter of DATE and your response of DATE in which you stated you were unable to assist because it was [x] local authority’s responsibility to carry out an assessment and to provide support. I do not accept that this is the case.

As you will be aware, a child simply needs to be physically present within the area of a local authority for the duties under section 17 of the Children Act 1989 to be triggered. Moreover, it is possible for a child to be “*within the area*” of more than one local authority (see *R v Wandsworth LBC ex p Sandra Stewart* [2001] EWHC 709 (Admin).

I consider the children to be within XX local authority’s area because *state reason e.g*. CHILD lives in this area/attends school in this area. In these circumstances you have a legal duty to undertake an assessment.

Even if it remains your position that CHILD is OTHER LOCAL AUTHORITY’S responsibility, I would remind you of your statutory duty to co-operate with other authorities (see s.27 Children Act 1989 and s.10 Children Act 2004).

Given that the children’s needs are not currently being met, and that this needs to be remedied urgently, it is my view that the appropriate response (which accords with the duties imposed by s.17) is for you to undertake the assessment seeking OTHER LOCAL AUTHORITY’S co-operation if necessary. To simply leave the children in their current situation is inconsistent with your statutory duty to safeguard and promote the welfare of children in need and to treat their best interest as a primary consideration.

In light of the points made in this letter, I should be grateful if you could reconsider your previous position and respond by return agreeing to undertake an assessment By DATE/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 confirm this in writing setting out your reasons.

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 CHILD’S best interest.

I look forward to hearing from you.

Yours faithfully