This is a template letter to be used to complain to the Local Authority if they have (or if they will) breach the EHCNA 20 week deadline.

All font in bold needs to be changed, once changed, you will need to make it normal font – it does not need to be in bold. Any font in red needs to be deleted before sending the letter.

This template was made by Laura Thorne of The SEND Friend Ltd, [www.thesendfriend.co.uk](http://www.thesendfriend.co.uk) and is copyright. It is only intended to be used by parents/carers who are facing delays in their child’s EHC needs assessment.

It must not be copied or duplicated and must not be used to for monetary gain.

**Your Address**

**Town**

**County**

**Postcode**

**Today’s Date**

**Your email:**

**LA Email**

This should be sent to the most senior person at the LA. This is usually the Director of Education or Director of Children’s Services. You can find this easily on google by searching ‘director of education essex county council’ or whichever your local authority is.

Dear Sir/Madam,

RE: **Enter Child Name, D.O.B**

I am writing to raise a formal complaint regarding the EHC needs assessment process that my child is currently undergoing.

The EHC needs assessment was sent on the **enter date here**, this was the beginning of the 20-week legal deadline.

This means that the finalised EHCP should have been issued no later than the **enter date here.** (20 weeks from the day you sent the EHCNA)

Although there is no specified date by law in which the draft plan must be issued, the whole EHC needs assessment process must be completed within 20 weeks. Therefore, the draft EHCP must be issued by week 14 at the latest to allow for the draft plan consultation periods which must follow. In my child’s case, this would be the **enter date here.** (14 weeks from the day you made the request for an EHCNA).

As per the SEND Regs 2014 Regulation 10(1) by week 16, the LA should have informed me if they had decided **not to issue an EHC plan** following the need assessment. In my child’s case, this would be the **enter date here.** (16 weeks from the day you made the request for an EHCNA).

Anyone who is asked for information and advice should respond within 6-weeks as per the SEND Regs 2014 Regulation 8(1) and 9.52 of the SEND Code of Practice. This is a legal duty which must be complied with; it cannot be avoided because there is a long waiting list or staffing shortages. If the LA is genuinely unable to obtain of the necessary pieces of professional advice, then the LA should commission an independent assessment and obtain an independent report instead. Please note, this is the LA’s responsibility not mine as **child**’s parent.

The LA is obligated to complete the EHCNA within 20 weeks, by not doing so you are failing to act in **child’s name**’s best interests and also failing to comply with your legal duties.

Delete as appropriate to your situation, there are 4 options and you should only have one option included in your letter:

I would ask that you ensure that **child name’s** EHC needs assessment is now completed without any further delay. Therefore, please ensure that an Educational Psychologist is allocated to my child’s case as soon as possible, if the LA is unable to source an Educational Psychologist from within the LA, they should commission an Independent Educational Psychologist instead.

I would ask that you ensure that **child name’s** EHC needs assessment is now completed without any further delay. It is now week **enter week here** (since making the request)and the LA have not issued **child’s** draft EHC plan. Therefore, please ensure the draft EHCP is issued immediately.

I would ask that you ensure that **child name’s** EHC needs assessment is now completed without any further delay. It is now week **enter week here** (since making the request)and the LA have not finalised **child’s** EHC plan. Therefore, please ensure the EHCP is finalised with my parental choice named in Section I immediately. For clarity, the **nursery/school/college/provision** that the LA should secure for **child** is **enter name here.**

I would ask that you ensure that **child name’s** EHC needs assessment is now completed without any further delay. It is now week **enter week here** (since making the request)and the LA have not informed me whether they intend to issue an EHC plan. Therefore, please confirm whether the LA intend to issue an EHCP to **child’s name** or not.

I trust that the LA will now follow their legal duty and ensure the EHC needs assessment process is now completed as quickly and efficiently as possible.

I would like to inform the LA that, in addition to this letter, it is my intention to raise a formal complaint to the Local Government Ombudsman. This is because it is simply not acceptable that the LA has failed to comply with its statutory duty towards my child. Therefore, please ensure your response makes clear whether it is the LA’s final response or not.

I look forward to your response.

Yours Sincerely,

**Your name**