This is a template letter to be used to complain to the Local Authority if they have (or if they will) breach the EHCNA deadline **if the LA initially refused to assess and you had to appeal to tribunal. It does not matter whether the LA conceded or whether the tribunal ordered the LA to carry out an EHC needs assessment on your child – the timeline is the same.**

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.

Essex County Council originally failed to secure an EHC needs assessment for **child**. Following an appeal to the SEND Tribunal, the LA delete as appropriate: **conceded on the DATE** enter date that the LA informed you they were conceding (agreeing to now carry out an assessment) **or** **were ordered to carry out an EHC needs assessment on the DATE**. Enter date of tribunal order here.

As per the SEND Regs 2014 Section 44(b), the Local Authority should have carried out the assessment and notified me as soon as practicable, but in any event within 10 weeks of the date of delete as appropriate **conceding the appeal** or **the tribunal order.** That is by the **DATE.** Include the date that is 10 weeks after the LA agreed to concede OR the tribunal ordered that they must carry out an EHC needs assessment.

Under the SEND Regs 2014 Section 44(b), the Local Authority must now make the

assessment and notify me as soon as practicable but in any event, within 10 weeks of the

date of the tribunal order if following the assessment the LA decides that it is not required

for special educational provision to be made via EHC plan. That is, by the 3

rd

 of April 2024.

If the LA decides that it is necessary for provision to be made for Freya in accordance with

an EHC plan, the finalised plan must be received as soon as practicable but in any event,

within 14 weeks of the date of the tribunal order that is by the 1

st

 May 2024.

In addition, if the LA decides that it is necessary for provision to be made for **child** in accordance with an EHC plan, the finalised plan must be received as soon as practicable but in any event within 14 weeks of the date of delete as appropriate **conceding the appeal** or **the tribunal order.** That is by the **DATE.** Include the date that is 14 weeks after the LA agreed to concede OR the tribunal ordered that they must carry out an EHC needs assessment.

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)

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 14 weeks of the appeal being Delete as appropriate **conceded or decided by the tribunal**, by not doing so you are failing to act in **child’s name**’s best interests and 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 the LA conceded OR the tribunal issued the order)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 the LA conceded OR the tribunal issued the order)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 the LA conceded OR the tribunal issued the order)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**