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.

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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 Local Authority’s failure to complete the annual review process for the child named above.

**[*Delete as appropriate:*]**

**Child name**’s EHC plan was **issued** delete as appropriate from **/ last reviewed** on **date.** Since that date, no annual review has been started in relation to this EHC plan.

**Child name** EHC plan was the subject of an annual review meeting held on **[date]**, but there has been no decision from the local authority.

Section 44 of the Children and Families Act 2014 states the obligations of a local education authority with regard to the time limit when reviewing an EHC plan:

“*This section has no associated Explanatory Notes*

*(1) A local authority must review an EHC plan that it maintains—*

*(a) in the period of 12 months starting with the date on which the plan was first made, and*

*(b) in each subsequent period of 12 months starting with the date on which the plan was last reviewed under this section.*”

Regulation 20 of the Special Educational Needs and Disability Regulations 2014 sets out the procedure in detail, making it clear that the review is complete only when the local authority notifies the parent/young person of its decision:

“*(10) The local authority must then decide whether it proposes to—*

*(a) continue to maintain the EHC plan in its current form;*

*(b) amend it; or*

*(c) cease to maintain it,*

*and must notify the child’s parent or the young person and the person referred to in paragraph(2)(b) within four weeks of the review meeting.*”

If you decide to amend the EHC plan, this notification must include details of the amendments you are proposing [(R (L, M and P) v Devon County Council [2022] EWHC 493 (Admin)](https://www.watkinssolicitors.co.uk/cms/document/r-l-m-and-p-v-devon-county-council-2022-ewhc-493-admin.pdf).

I would ask that you ensure that **Child’s Name’s EHCNA** is now completed **without any further delay.** In particular, please ensure that an **Educational Psychologist is allocated to my child’s case as a matter of urgency.** If the local authority is unable to source an Educational Psychologist from within its own services in accordance with the statutory six-week timeframe, it must **commission an Independent Educational Psychologist** instead. This responsibility lies with the **local authority,** and delays due to internal staffing shortages or waiting lists are **not lawful grounds** for failing to meet this statutory duty.

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 also like to inform you that, in addition to this letter, it is my intention to raise a formal complaint with the Local Government and Social Care Ombudsman (LGSCO). It is simply not acceptable that the local authority has failed to comply with its statutory duties towards my child under the SEND Regulations 2014 and the SEND Code of Practice. Therefore, I request that your response to this letter clearly states whether it constitutes the local authority’s final response in relation to this matter.

If the local authority wishes to propose a remedy in order to avoid the need for a complaint to the LGSCO, it is welcome to do so. I would highlight that the LGSCO typically considers a financial remedy of £100.00 per month of delay to be appropriate in such cases, and therefore this is the offer that would reasonably be expected.

I look forward to your response.

Yours Sincerely,

**Your name**