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 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).

 Furthermore, under Regulation 8(1) and section 9.52 of the SEND Code of Practice, any professionals asked to provide information and advice for the EHCNA must respond within six weeks. This is a statutory requirement, and delays due to staffing shortages or long waiting lists do not exempt the local authority from this duty. If the LA is genuinely unable to secure the necessary reports within the timeframe, it must commission independent assessments. Please note, this responsibility lies solely with the local authority, not with me as the 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’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.

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**