## Template letter to complain about a delay in completing an EHC needs assessment

[POSTAL OR EMAIL ADDRESS OF DIRECTOR OF CHILDREN’S SERVICES AT YOUR LOCAL AUTHORITY]

[YOUR POSTAL OR EMAIL ADDRESS FOR THEIR RESPONSE]

Date: [DATE YOU SEND THE LETTER OR EMAIL]

Dear Sir/Madam,

**Stage 1 complaint: Delay completing an Education Health and Care (EHC) needs assessment for [INSERT NAME OF CHILD]**

I am writing as the parent of [INSERT NAME OF CHILD]. [INSERT NAME OF LOCAL AUTHORITY] agreed to carry out an EHC needs assessment for [INSERT NAME OF CHILD] on [INSERT DATE OF AGREEMENT TO CARRY OUT ASSESSMENT] following my request on [INSERT DATE OF REQUEST FOR ASSESSMENT].

The EHC needs assessment was requested on [INSERT DATE]. It has been more than 16 weeks since this date, meaning that [INSERT NAME OF LOCAL AUTHORITY] risk breaching their legal obligations under Regulation 10 or Regulation 13(2) of the Special Educational Needs and Disability Regulations 2014 for the reasons set out below.

Under Section 36(9) of the Children and Families Act 2014, after an EHC needs assessment has been carried out, the local authority must notify the child’s parent of (a) the outcome of the assessment, (b) whether it proposes to secure an EHC plan for the child or young person, and (c) the reasons for that decision.

If the local authority has decided it is not necessary for special education provision to be provided for a child in accordance with an EHC plan, under Regulation 10 of the Special Educational Needs and Disability Regulations 2014 they should tell the parent of the child as soon as practicable, and in any event within 16 weeks of them receiving a request for an assessment. Alternatively, if they have decided an EHC plan should be provided, under Regulation 13(2) of the Special Educational Needs and Disability Regulations 2014, the local authority are required to send out a copy of the finalised EHC plan as soon as practicable, but in any event, within 20 weeks of the local authority receiving the request for an EHC needs assessment. In order for the local authority to comply with the time limits of this 20 week deadline, they would need to send out the draft EHC plan within 14 weeks of the date the assessment was requested to allow time for a parent to make representations on the content of the draft EHC plan and to consult with any proposed school or other education provider.

Further, Regulation 6(1) of the Special Educational Needs and Disability Regulations 2014 states that the local authority must seek advice and information on the needs of the child or young person, what provision may be required to meet such needs, and the outcomes that are intended to be achieved by the child or young person receiving that provision from:

* The child’s parent or young person
* The head teacher or principal of the child’s school
* A health care professional
* An educational psychologist
* Any person the child’s parent or young person reasonably requests that the local authority seek advice from. **I requested that you seek advice from [INSERT PROFESSION OR PERSON] on [INSERT DATE].** [DELETE THIS SENTENCE IF NOT APPLICABLE]

[INSERT NAME OF LOCAL AUTHORITY] has not secured advice and information from [INSERT NAME OF PROFESSIONAL OR PERSON].

In light of the above, [INSERT NAME OF LOCAL AUTHORITY] must secure advice from [INSERT NAME OF RELEVANT PROFESSION OR PERSON] and issue a decision on whether an EHC plan will be secured for [INSERT NAME OF CHILD] as soon as possible. As per your complaints policy, please respond to my Stage 1 complaint within [INSERT NUMBER OF DAYS LISTED IN COMPLAINTS POLICY].

I look forward to hearing from you.

Yours faithfully,

[INSERT YOUR NAME]