## Template letter to complain about a school not instating the special educational provision specified in Section F of your child’s EHC plan

[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: Failure to instate special educational provision for [INSERT NAME OF CHILD]**

I am writing as the parent of [INSERT NAME OF CHILD]. [INSERT NAME OF CHILD] is currently a pupil in Year [INSERT YEAR GROUP] in [INSERT NAME OF SCHOOL] and has an EHC plan. [INSERT NAME OF LOCAL AUTHORITY] issued the EHC plan on [INSERT DATE OF EHC PLAN]. I have attached a copy of the EHC plan.

Section F of [INSERT NAME OF CHILD]’s EHC plan specifies that the following provision will be made:

* [INSERT RELEVANT PROVISION IN SECTION F OF THE EHC PLAN].

This provision is not currently being secured for [INSERT NAME OF CHILD] despite [INSERT DETAILS OF REQUESTS MADE BY PARENTS AND ANY REASONS FOR THE LACK OF PROVISION GIVEN BY THE LOCAL AUTHORITY AND/OR SCHOOL].

Under Section 42(2) of the Children and Families Act 2014, where a local authority maintains an EHC plan for a child or young person, they must secure the special educational provision specified in the plan. In N v North Tyneside Borough Council [2010] EWCA Civ 135, the Court of Appeal confirmed that the predecessor duty under Section 324(5) of the Education Act 1996 was not merely a ‘best endeavours’ obligation but an absolute duty. Therefore, I consider that [INSERT NAME OF LOCAL AUTHORITY] is currently in breach of its legal duty.

In light of the above, [INSERT NAME OF LOCAL AUTHORITY] must instate the specified educational provision in Section F of [INSERT CHILD’S NAME]’s EHC plan 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]