***Complaining when the local authority does not send out the draft/final EHC plan in time: Model letter 10***

***It is important to tell the LA as soon as possible following the failure to issue the draft or final EHC plan in time.***

***All of the parts of this letter in bold will need to be changed or deleted so that they are relevant to your situation.***

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**[Your address and contact details]**

Director of Children’s Services **[or other title if different]**

**[Name of local authority]**

**[Address of local authority]**

***[If you know the email address of the Director also send by email and add here:]***

And by email to: **[insert email address]**

**[Date]**

For the attention of **[insert name of the Director of Children’s Services]**

Dear **[Name]**,

**[Child or young person’s name], DoB [date of birth]: Failure to send [draft / final] EHC plan**

I am writing **[as the parent of the above child / on behalf of the above young person]** who has recently undergone an EHC needs assessment. The request for an EHC needs assessment was made on **[date]**. On **[date]**, the local authority decided they would issue an EHC plan.

Under Regulation 13(2) of the Special Educational Needs and Disability Regulations 2014 you 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 a EHC needs assessment. None of the exceptions contained in Regulation 10(4)(a) to (d) apply to my case.

***[If you have not yet received a draft EHC plan, then say:]***

**[**In order for you to comply with the time limits for allowing the **[parent/young person]** to make representations on the content of the draft EHC plan, and then consulting with any proposed **[school / college]** before this 20 week deadline, you would need to send out the draft EHC plan within 14 weeks of the date the assessment was requested. This date has now passed, meaning that you risk breaching your legal obligations under Regulation 13(2).**]**

**[*If you have received a draft EHC plan and given the LA your comments, but then have not received a final EHC plan, then say:*]**

**[**You are in breach of this legal duty on the grounds that more than 20 weeks has passed since the request was made and I have still not received the finalised EHC Plan.**]**

Bearing in mind the injustice that the failure to issue the **[draft/final]** EHC plan on time causes to **[child or young person’s name],** it is not appropriate to apply the usual complaints process timescales. Therefore, please send a copy of the **[draft / final]** EHC Plan as soon as possible, but in any event within 5 working days of receiving this letter.

I look forward to hearing from you and trust that it will not be necessary to take this matter further.

Yours sincerely,

**[Your name]**

**[Or if on behalf of a young person:]**

**[Your name]** on behalf of **[name of young person]**