***Complaining when an LA has not completed the annual review of an EHC plan: Model letter 8***

***It is important that you complain to the LA as soon as possible following the failure to complete the annual review of the EHC plan***

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

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**[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], D.o.B [date of birth]: Potential breach of duty under section 44 Children and Families Act 2014**

I am writing **[as the parent of the above child / on behalf of the above young person]**,who has an EHC plan.

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

**[[Child/young person]**’s EHC plan was **[issued / last reviewed]** on **[date]**. Since that date, no annual review has been started in relation to this EHC plan.**]**

**[[Child/young person]**’s EHC plan was the subject of an annual review meeting held on **[date]**, but there has been no decision in writing 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 records its decision in writing:

“*(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.*”

I am sorry to inform you that you are in breach of this duty. As you are no doubt aware, there is a right of appeal for **[parents / young people]** following the review of an EHC plan. Any delay in completing the annual review frustrates this right of appeal.,. Bearing this in mind, along with the injustice that that failing to complete the annual review in accordance with the law causes to **[child or young person’s name]**, it is not appropriate to apply the usual complaints process timescales.

Therefore, please **[start the annual review process / send the notification of your decision and any proposals for amendment (where the decision is to amend the plan)]** as soon as possible, but in any case within 5 working days.

I look forward to an early reply 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]**