***Complaining when the LA will not consider the school or college[[1]](#footnote-1) you want named in your draft EHC plan: Model letter 14***

***It is important to tell the LA as soon as possible where the LA has not considered the request for a particular school/institution***

***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]**

**[Name of LA officer dealing with EHC plan]**

**[Name of local authority]**

**[Address of local authority]**

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

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

**[Date]**

Dear **[Name]**,

**[Child or young person’s name], D.o.B [date of birth]: Request for [name of school/college] to be named in EHC plan**

I am writing **[as the parent of the above child / on behalf of the above young person]** in respect of the draft education, health and care (“**EHC**”) plan which we have received.

**[I/Young person’s name]** expressed a preference for **[name of school/college]** and want this to be named in the final EHC plan. However, the local authority has said **[*describe the response you were given – if the local authority refused to consult with the school, told you the school was full without giving any further reasons, told you that they could not name a school outside your home LA, etc.*].**

Under the Children and Families Act 2014, the local authority must consult with **[name of school/college]**l and, after consulting, make the decision about whether to name this school **[*if the school/college is in a different local authority add:*] even though it is in a different local authority]**.

The local authority is also under a legal duty to name **[name of school/college]** in the final EHC plan unless it can show that it is unsuitable to **[child or young person’s name]**’s needs, that **[his/her]** placement there would be incompatible with the education of other children, or that there would be an inefficient use of resources. **[I/Young person’s name]** do/does not believe that any of these conditions would arise if **[child or young person’s name]** were to go to **[name of school/college]** and we ask you to set out in writing which conditions you believe would arise and to provide us with your reasons and evidence for believing this.

We understand there will be a right of appeal when the EHC plan is finalised and hope it will not be necessary to exercise that right of appeal.

Yours sincerely,

**[Your name]**

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

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

1. This applies where the school or institution is one of the following types: a maintained school; a maintained nursery school; an Academy; an institution within the further education sector in England; a non-maintained special school; an institution approved by the Secretary of State under section 41 [↑](#footnote-ref-1)