***Complaining when an LA has not started the annual review process in advance of a phase transfer***

***It is important that you complain to the LA as soon as possible following the failure to start the annual review process.***

***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)**

**To Head of EHCP Team**

Children and Families and Education Services Directorate,

Manchester City Council,

PO Box 532,

Town Hall Extension,

Manchester

M60 2LA

**sen@manchester.gov.uk**

[*Date*]

Child’s name

Childs Date of Birth

Dear Sir / Madam

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

**[Child/young person’s name]** is due to transfer to **[infant school / junior school / secondary school / a post-16 institute]** in **[year]**. Under Regulation 18 of the Special Educational Needs and Disability Regulations 2014 you are required to review and amend the EHC plan so it names the placement (or type of placement) **[child/young person’s name]** should transfer to **[[*review details on IPSEA’s website to identify correct date*] by 15 February / by 31 March / no less than 5 months before the transfer takes place]**.

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

**[**You are in breach of this legal duty on the grounds that the deadline has passed and the local authority has not issued the amended EHC plan.**]**

**[*Or:*]**

**[**You are likely to be in breach of this legal duty on the grounds that the deadline is approaching and the local authority has yet to review and amend the EHC plan.**]**

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 and can cause injustice. The potential injustice is exacerbated when there is a phase transfer. Bearing these matters in mind, it is not appropriate to apply the usual complaints process timescales.

Therefore, please **[start the annual review process / send the proposals for amendment]** 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 faithfully,

**[Your name]**

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

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