***Complaining when the local authority fails to comply with the statutory deadlines for action following the conclusion of an appeal:***

***It is important that you tell the LA as soon as possible following failure to comply with the deadlines for action***

***All 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]**

Dear Sir/Madam

**[Child or young person’s name], D.o.B [date of birth]: Complaint regarding failure to take certain actions following the conclusion of an appeal**

I am writing **[as the parent of the above child / on behalf of the above young person]**, following an appeal [Appeal registration number].

**[Where the appeal is an unopposed appeal:**

The local authority conceded this appeal before the deadline for submitting a response and, therefore, by virtue of Regulation 45 of the SEN and Disability Regulations 2014 (as amended) (the “**SEN Regs**”) this was an unopposed appeal.

As such the deadlines in Reg 45 apply and the local authority was supposed to **[delete as appropriate]**:

* **[Agreed to assess/re-assess]**Tell me that it will undertake an assessment/re-assessment within 2 weeks of notifying the Tribunal that it did not oppose the appeal (“**the notice date**”), and then either notify us that it was not necessary to issue an EHC plan within 10 weeks of the notice date or issue a final EHC plan within 14 weeks of the notice date.
* **[Agree to issue an EHC plan]** Issue a draft EHC plan within 5 weeks of notifying the Tribunal that it did not oppose the appeal (“**the notice date**”) and issue a final EHC plan within 11 weeks of the notice date.
* **[Agreed to amend need/provision/school or institution]** Amend the special educational needs/provision [and the name of the school/institution or the type of school/institution] as set out in the grounds of appeal in the EHC plan as set out in the grounds of appeal and issue the amended EHC plan within 5 weeks of notifying the Tribunal that it did not oppose the appeal.
* **[Agreed to amend the school/institution]** Amend the name of the school/institution or the type of school/institution as set out in the grounds of appeal within 2 weeks of notifying the Tribunal that it did not oppose the appeal.
* **[Agreed to continue to maintain an EHC plan/with amendments]** Continue to maintain the EHC plan/ and amend it within 5 weeks of notifying the Tribunal that it did not oppose the appeal.**]**

[**Where the appeal was determined by consent order or by determination of the Tribunal:**

* [Ordered to assess/re-assess] Tell me that it will undertake an assessment/re-assessment within 2 weeks of the Order and then either notify us that it was not necessary to issue an EHC plan within 10 weeks of the Order or issue a final EHC plan within 14 weeks of the Order.
* [Ordered to issue an EHC plan] Issue a draft EHC plan within 5 weeks of the Order and issue a final EHC plan within 11 weeks of the Order.
* **[Ordered to amend need/provision/school or institution]** Amend the special educational needs/provision [and the name of the school/institution or the type of school/institution] as set out in the grounds of appeal in the EHC plan as set out in the grounds of appeal and issue the amended EHC plan within 5 weeks of the Order.
* **[Ordered to amend the school/institution]** Amend the name of the school/institution or the type of school/institution as set out in the grounds of appeal within 2 weeks of the Order.
* **[Ordered to continue to maintain an EHC plan/with amendments]** Continue to maintain the EHC plan/ and amend it within 5 weeks of the Order.

I am writing to inform you that you are in breach of this statutory duty.

Bearing in mind the injustice to **[child or young person’s name]** that this failure is causing, it is not appropriate to apply the usual complaints process timescales. Therefore, please acknowledge this letter as soon as possible and, in any event, within 5 working days, confirming the reason for the failure and the date by which the local authority intends to fulfil its duties

Please note that if the local authority’s response is not satisfactory then I will take legal advice on legal action including, but not limited to, seeking the reinstatement of the appeal or judicial review of the local authority’s decision not to comply with the statutory deadlines.

I look forward to an early resolution to this failure 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]**