*Your name, address and contact details here*

**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

**Potential breach of duty under 42 & 44 of the SEN regulations**

**(child/young person’s name) (date of birth)**

I am writing as the parent of the above child/young person . I entered into mediation

On **Date** and made the following agreement **Enter agreement here**

Regulation 42 of the SEN regulations state : *Where the mediation issues in the mediation agreement are those on which the child’s parent or young person has a right to appeal to the First-tier Tribunal, the local authority shall comply with the time limits set out in regulation 44, as if the mediation agreement were an order of the First–tier Tribunal*

Regulation 44 of the SEN regulations *states* **( Delete sections that are not applicable** *)*

*44.—(1) Subject to paragraph (3) or any direction made by the First-tier Tribunal, if the First tier Tribunal makes an order requiring a local authority to take any action, the local authority shall take that action within the period specified in paragraph (2).*

*(2) Where the order—*

 *(a) dismisses an appeal against a determination to cease an EHC Plan, the local authority shall cease to maintain the EHC Plan immediately.*

*(b) requires a local authority to make an assessment or reassessment, the local authority shall within 2 weeks of the order being made notify the child’s parent or the young person that it shall make the assessment or reassessment and shall—*

 *(i) where, following the assessment or reassessment, the local authority decides that it is not necessary for special educational provision to be made for the child or the young person, in accordance with an EHC plan, notify the child’s parent or the young person of its decision, giving reasons for it as soon as practicable, and in any event within 10 weeks of the date of the First-tier Tribunal’s order.*

*Or*

 *(ii) where, following the assessment or reassessment, it decides that it is necessary for special educational provision to be made for the child or the young person, in accordance with an EHC plan, it must send the finalised plan to those specified in regulation 13(2) as soon as practicable and in any event within 14 weeks of the date of the First-tier Tribunal’s order.*

 *(c) requires a local authority to make and maintain an EHC Plan, the local authority shall—*

*(i) issue a draft EHC Plan within 5 weeks of the order being made; and (ii) send a copy of the finalised EHC plan to the child’s parent or young person under Regulation 14, within 11 weeks of the order being made. (d) refers the case back to the local authority for it to reconsider, the local authority shall do so within 2 weeks of the order being made and shall either send a copy of the draft EHC Plan as required under Regulation 13 or give notice as required under Regulation 5 of any decision not to maintain an EHC Plan.*

*(e) requires a local authority to amend the special educational provision specified in an EHC Plan, the local authority shall issue the amended EHC Plan within 5 weeks of the order being made.*

 *(f) requires the local authority to amend the name of the school or other institution or the type of school or other institution specified in the EHC plan, the local authority shall issue the amended EHC plan within 2 weeks of the order being made.*

 *(g) requires the local authority to continue to maintain an EHC Plan in its existing form, the local authority shall continue to maintain the EHC Plan; and (h) to continue and amend an EHC Plan, the local authority shall continue to maintain the EHC Plan and amend the EHC Plan within 5 weeks of the order being made.*

I am sorry to inform you that you are in breach of these. I therefore expect to receive a letter from you with your decisions and recommendations as soon as possible but in any case, within 5 working days.

Yours faithfully,

[*Your name*]

*If on behalf of a young person:*

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