***Complaining when an LA does not respond to a request for assessment within the time limit: Model letter 9***

***It is important that you complain to the LA as soon as possible following the failure to respond within the time limit***

***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]**

Director of Children’s Services **[or other title if different]**

**[Name of Local Authority]**

**[Address of LA]**

***[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]: Complaint regarding failure to respond to request for an EHC needs assessment**

I am writing as the parent of the above **[child/young person]**.

I submitted a request for an EHC needs assessment **[**for **[name of child] /** on behalf of **[name of young person]]**under section 36(1) of the Children and Families Act 2014 on **[insert date]***.*

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

The request was delivered by hand to your authority on that same date.

**[*Or:*]**

The request was sent by recorded delivery and was signed for by a representative of your authority on **[insert date]**.

**[*Or:*]**

The request was sent by first class post and can therefore be assumed to have been received by your authority on the next working day (i.e. **[insert date]**).

**[*Or:*]**

The request was sent by e-mail before 5pm and can therefore be assumed to have been received on the date on which it was sent.

Under Regulation 5(1) of the Special Educational Needs and Disability Regulations 2014 you are required to notify me within 6 weeks of receiving this request of your decision whether or not it is necessary to secure an EHC needs assessment. None of the exceptions in Regulation 5(4) apply in my case.

You are in breach of this legal duty on the grounds that more than 6 weeks has passed since you received my request and I have not received notice of your decision.

Bearing in mind the injustice that this delay causes to **[Child’s or young person’s name]** it is not appropriate to apply the usual complaints process timescales. Therefore, please notify me of your decision in relation to my request for assessment as soon as possible, but in any event within 5 working days of receiving this letter.

I look forward to hearing from you 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]**