**[Name of family]**

**[Address of family]**

**[Contact details]**

**16th February 2022**

Director of Children’s Services

**[Name of local authority]**

**[Address of local authority]**

For the attention of: **[Name of Director of Children’s Services]**

Dear **[Name],**

***[Child or young person’s name], [DOB]: Failure to review and amend an EHC plan for a phase transfer.***

I am writing as the parent of the above child**,**who has an EHC plan. **[Child/young person’s name]** is due to transfer to **[infant school / junior school / secondary school]** in September 2022. Under Regulation 18 of the Special Educational Needs and Disability Regulations 2014: where a child or young person is within 12 months of a transfer between phases of education, the local authority must review and amend, where necessary, the child or young person’s EHC plan before 15 February in the calendar year of the child’s transfer in any other case, and where necessary amend the EHC plan so that it names the school, post-16 or other institution, or type of school or institution, which the child or young person will attend following that transfer.

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 with the transfer placement named.

There is a right of appeal for families following the review of an EHC plan. The Code of Practice (*9.179*) stipulates that:

 *‘an EHC plan must be reviewed and amended in sufficient time prior to the child or young person moving between key phases of education, to allow for planning for and, where necessary, commissioning of support and provision at the new institution.’*

Any delay in completing the annual review process disturbs a family’s right of appeal and can result in injustice. This potential injustice is exacerbated when there is a phase transfer. Bearing these matters in mind, and given the missed deadline stipulated in law, of 15th February, it is not appropriate to apply the usual complaints process timescales.

Consequently, please send the proposals for amendment with the transition placement (or type of placement) namedas 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,

**[Name of parent/carer]**

**On behalf of [name of young person]**

**[Contact details]**