

FAQ'S: School is not following the EHCP, what can I do?

An EHCP is a legal document and therefore schools are required to deliver the provision set out in **Sections F** of the EHCP. However, if school feels it does not have the necessary resources to carry out this duty it should raise this with the Local Authority who has overall responsibility for the EHCP.

In law, the LA must **“secure the special educational provision”** specified in Section F of an EHC plan. This can never be delegated to a school/college if they do not have the resources – money or expertise – to do this.

You can complain if you discover that your child/young person is not getting the special educational provision specified in Section F of the EHC plan or that the provision is being removed or reduced without the EHC plan being amended.

In the first instance, **contact the school or college** and speak to your child’s teacher and the head teacher or principal of the college about your worries. Following discussions, it may be decided that an **Early Review of the EHCP** needs to be held, school may wish to invite the Local Authority’s SEN Case Worker. However, you can also write to complain to the LA.

To make a complaint to North Yorkshire County Council follow the link:

<https://www.northyorks.gov.uk/complaints-comments-or-compliments>

What if the school/ college offers to write on my behalf?

It is OK for the school/college to write as well, but the most important thing is to write yourself. **The only one who can take legal action**, in order to ensure that your child/ young person receives the provision specified in their EHC plan, **is you on behalf of your child/young person or the young person themselves**. The head teacher or principal cannot do this, even if he or she wants to!

Address your letter to the top person at the LA. North Yorkshire County Council’s Corporate Director of Children and Families Services is Stuart Carlton. Check the LA’s “Local Offer” which should also clearly set out how a request can be made.

Follow the link: <https://www.northyorks.gov.uk/send-local-offer>

Remember: keep a copy of any letter you send and if you don’t get a reply after two weeks or if you want further advice contact North Yorkshire’s SENDIASS Service on 01609 536923.



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www.sendiassnorthyorkshire.co.uk



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