



# Carrying out our order in special educational needs cases: a parents’ guide to what happens now

## What the local authority must do

Our order is binding on the local authority. The authority has a duty to do what has been ordered.

## When the local authority has to comply with our order

The local authority normally has a limited time within which it must carry out our order. The time runs from the day after we send out the order.

The period allowed varies depending on the kind of order. The main ones are as follows:

If we order the local authority:	The local authority must:
<ul style="list-style-type: none"> <li>to start the assessment/EHC assessment or re-assessment process</li> </ul>	<ul style="list-style-type: none"> <li>write to you <b>within 4 weeks</b> to say that it will make the assessment</li> </ul>
<ul style="list-style-type: none"> <li>to make and maintain a statement or an EHC Plan</li> </ul>	<ul style="list-style-type: none"> <li>send you a proposed statement <b>within 5 weeks</b></li> </ul>
<ul style="list-style-type: none"> <li>to change a statement or an EHC Plan</li> </ul>	<ul style="list-style-type: none"> <li>amend the statement/EHC Plan <b>within 5 weeks</b></li> </ul>
<ul style="list-style-type: none"> <li>to continue to maintain a statement or an EHC Plan</li> </ul>	<ul style="list-style-type: none"> <li>continue to maintain the statement or EHC Plan <b>with immediate effect</b></li> </ul>
<ul style="list-style-type: none"> <li>to change the name of the school named in your child’s statement or EHC Plan with a school named by you</li> </ul>	<ul style="list-style-type: none"> <li>specify the school specified by the parent <b>within 2 weeks</b></li> </ul>
<ul style="list-style-type: none"> <li>to cancel (no longer) maintain an EHC Plan</li> </ul>	<ul style="list-style-type: none"> <li><b>with immediate effect</b></li> </ul>

## **Admission to school**

If we order the local authority to name a different local authority maintained school (whether mainstream or special) in your child's statement or EHC Plan, the school must admit him or her, although this does not overrule any exclusion from that school. The duty to admit the child arises as soon as the statement/EHC Plan is made. This means that there may be a delay after we make the order, until the local authority issues the statement/EHC Plan.

## **Exceptions to these timescales**

The regulations which lay down the time limits do allow the authority more time in specified circumstances, summarised below:

- (a) exceptional personal circumstances affect you or your child during the relevant time period;
- (b) you or your child are absent from the area of the authority for a continuous period of not less than two weeks during the relevant time period;
- (c) you indicate that you wish to make representations to the authority about the content of the statement or EHC Plan after the expiry of the 15-day period for making such representations;
- (d) a meeting between you and the local authority has taken place and there needs to be a further meeting before relevant matters can be decided;
- (e) the local authority has written to the Secretary of State seeking consent to a relevant school placement and this has not been received by the authority within three weeks of the day on which the request was sent.

We hope this brief guide is helpful. The full regulations are in Part IV of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001. If you have access to the internet you can find these regulations at [www.hmso.gov.uk/si/si2001/20013455.htm](http://www.hmso.gov.uk/si/si2001/20013455.htm)

## **Our job is finished**

Once we have issued our decision, we cannot take any further action. We have no power to supervise how and when the order is carried out. Even if the local authority does not do what has been ordered within the time limit, we cannot take further action. You would need to pursue this with the Department for Education.

## **If the local authority does not comply**

If the local authority does not carry out our order within the time limit, and they cannot satisfactorily explain why, you are entitled to complain to the Local Government Ombudsman. The address is:

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Phone: 0300 061 0614 or 0845 602 1983

email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

The Local Government Ombudsman hears complaints about maladministration by local authorities. If you want to make a complaint to the Ombudsman you should ring the advice line which is open between 9.00 am and 4.30 pm Monday to Friday on 0845 602 1983, or alternatively, access their website – [www.lgo.org.uk](http://www.lgo.org.uk) for further information.