**Draft letter of complaint; out of school no education.**

This is a formal letter of complaint as to the failure of the Authority by its Children Services team to provide education for my son/daughter.

Background

My son/daughter is aged \*\*. He has special educational needs namely (*insert).* On the (*insert date)* he ceased to attend \*\*\* School because (*reasons)* **OR** (set out reasons why not at school)*.* Since then I have made repeated efforts to get him education (*List)* despite this the Authority has taken no steps to provide him with suitable education*.*

The Law

The Authority’s duties are laid down by Section 19 Education Act 1996. They are mandatory. The Section provides:

*19 Exceptional provision of education in pupil referral units or elsewhere.*

*(1)Each [local authority] shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.*

This mandatory duty has been clarified by the courts on a number of occasions. In particular in:

R v East Sussex County Council, Ex p Tandy / In re T (A Minor) [1998] 2 WLR 884. It was decided that the LA is under an absolute duty to provide suitable education for children who are out of school due to illness, exclusion or otherwise. An LA may not take its own financial constraints into account when assessing what is an appropriate education.

R (on the application of Y) v Croydon LBC [2015] EWHC 3033 (Admin); [2016] E.L.R. 138: The mother of a severely learning-disabled child had been unable to get him to attend school despite significant efforts. The LA refused to change the school named in the Statement or provide other alternative education. The LA was found to be in breach of its duty under s. 19 Education Act 1996 to provide suitable education; as no further plan had been put forward, it was not reasonably practicable for the child to attend that school.

Outcome

In accordance with the Authority’s complaints procedure I expect a response to this complaint within 10 days and as importantly a proposal from the Authority as to how it provides education to \*\* going forward.

Yours.