



Carrying out our order: a parents' guide to what happens now

What the Local Authority must do

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

When the LA has to comply with our order

The LA 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 LA:

- to start the assessment or re-assessment process
- to make and maintain a statement
- to change a statement
- to continue to maintain a statement
- to change the name of the school named in your child's statement with a school named by you

The LA must:

- write to you **within 4 weeks** to say that it will make the assessment
- send you a proposed statement **within 5 weeks**
- send you the amended statement **within 5 weeks**
- continue to maintain the statement **with immediate effect**
- specify the school specified by the parent **within 2 weeks**

Admission to school

If we order the LA to name a different LA-maintained school (whether mainstream or special) in your child's statement, 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 is made. This means that there may be a delay after we make the order, until the LA issues the statement.

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 after the expiry of the 15-day period for making such representations;
- (d) a meeting between you and the LA has taken place and there needs to be a further meeting before relevant matters can be decided;
- (e) the LA has written to the Secretary of State seeking consent to a relevant school placement and this has not been received by the authority within 3 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 <http://www.hms0.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 LA 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 and Skills.

If the LA does not comply

If the LA does not carry out our order within the time limit, and they cannot satisfactorily explain why, you are entitled to complain to the Department for Education and Skills. The address is:

Department for Education and Skills
Special Educational Needs and Disability Division,
Sanctuary Buildings
Great Smith Street
LONDON SW1P 3BT
Tel: 020 7925 5000

The Local Government Ombudsman hears complaints about maladministration by LAs. 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 for further information.