

SEND mediation and disagreement resolution
Information for attendees

Special educational needs & disability mediation and disagreement resolution service

The Together Trust's mediation and disagreement resolution service (DRS) is designed to help settle disagreements surrounding the provisions for a child or young person aged 0 to 25 years with special educational needs and disabilities.

When a parent, carer or young person is dissatisfied with the provision made within the SEND legislation (The Children & Families Act 2014) they have the right to request a meeting with a local authority representative to discuss the matter, either through mediation or the disagreement resolution. The local authority must attend a mediation meeting, however attendance at a disagreement resolution meeting is voluntary for all parties.

Mediation can take place following decisions by a local authority:

- Not to carry out an education, health and care (EHC) needs assessment
- Not to issue an EHC plan following a needs assessment
- The contents of a final EHC plan (with the exception of Section I: Placement)
- Following a decision not to amend an EHC plan or
- A decision to cease to maintain an EHC plan.

Disagreement resolution applies to any aspect of special educational needs and disability (SEND) regardless of whether or not the child or young person is being assessed for or has an EHC plan. It can be used at any time with the agreement of the parties involved. Disagreement resolution covers a range of disagreements including:

- The performance of duties
- Any aspect of SEND provision
- Health and social care disagreements during the processes related to an EHC needs assessment.

You have been invited to a mediation or disagreement resolution service meeting

Both mediation and disagreement resolution meetings are arranged by involving key people in the disagreement and are facilitated by our trained, impartial SEND mediators.

Following a request by a family or young person, we will co-ordinate the date, venue and attendees for the meeting and send arrangements to all parties. We will invite relevant people to come to the meeting; this could include school/college staff and any other professionals who can contribute their knowledge of the child/young person to the meeting.

The Information Advice and Support Service (IASS) may attend to support the family, or an advocate if required. Sometimes there may be an observer at mediation but this will be with the agreement of the main parties. The observer is usually a mediator or local authority representative in training, or a manager to ensure continuing professional development and standards are being followed. Observers will be asked to sit outside the mediation table/area as their role is purely to observe and not become involved or comment.

What you can expect at the mediation or disagreement resolution meeting

When the meeting has been arranged the mediator will contact the main parties to the dispute, usually during the week before the meeting, to introduce themselves, discuss issues and start to form an agenda for the meeting. They will also explain their role and the structure of the meeting.

All mediation/disagreement resolution meetings are child or young person-centred and are made accessible for them to attend and have a voice wherever possible, as long as it does not cause them any anxiety or upset. Some children and young people can attend all or some of their mediation, and we have resources to help them prepare.

Sometimes it is not possible for them to attend and we will work with those who know them best to ensure their views are expressed and they have been able to contribute to the meeting.

Although a mediation or disagreement resolution meeting is part of the SEND legislation, we endeavour to put all parties at ease and keep the meeting as informal as possible. The mediator can assist with this during preparatory calls and by offering breaks during the meetings if required.

The legislation

For more information about mediation and disagreement resolution you can search for the '[Special Education Needs & Disability Code of Practice 0-25 January 2015](#)' online. Chapter 11 is all about resolving disagreements and provides more information about this under the Children & Families Act 2014.

For more information call us on 0161 283 4848 or email us at drs@togethertrust.org.uk.

Visit us at <https://www.togethertrust.org.uk/mediation>