

SEND mediation and disagreement

# Information for parents and carers

Our specialist mediation and disagreement resolution service brings different parties together to work towards a positive outcome.

### What is a mediation meeting?

If you disagree with a decision that's been made, mediation is your first stop before considering an appeal to the first tier tribunal. It's an opportunity to get all parties together to resolve any issues early.

Mediation can take place following decisions by a local authority:

- Not to carry out an EHC needs assessment
- Not to draw up an EHC plan, after they receive a final EHC plan or amended plan
- Following a decision not to amend an EHC plan or
- If a decision to cease to maintain an EHC plan is made

If you decide mediation is not for you, we can provide a certificate to allow you to submit an appeal to the first tier tribunal.

Parents and young people do not have to contact the mediation adviser before registering their appeal with the tribunal if their appeal is solely about the name of the school, college or other institution named on the plan, the type of school, college or other institution specified in the plan or the fact that no school or other institution is named.

### What is a disagreement resolution meeting?

Disagreement resolution is voluntary for everyone involved and applies to **any** aspect of special educational needs and disability (SEND) provision and health and social care disagreements during the processes related to EHC needs assessments and EHC plans. It's a great way to resolve different types of disagreement.

Disagreement resolution arrangements cover all children and young people with SEND, not just those who are being assessed for or have an EHC plan.

### Who can attend?

Every case is different. However, it's crucial that key people attend so that meaningful agreements are reached and actions put in place.

Usually there's at least one parent or carer and at least one representative from the local authority.

We'll make sure your child or young person is fully involved where possible, as long as this doesn't cause them upset or anxiety. They can attend meetings if they want, or input in other ways depending on their interests and needs, such as via a phone call, email or video. We also have a booklet they could complete to contribute their views to the meeting.

Other parties could include school staff or staff from other agencies (e.g. CAMHS or voluntary organisations). As a parent or carer you can also invite someone to support you. This could be a family member, an Information, Advice and Support Service (IASS) worker or an advocate if one is available locally. Legal representation isn't necessary.

### **Before the mediation or disagreement resolution meeting**

Our service starts with an initial phone call. We'll give you factual and unbiased information so you can decide if mediation is right for your situation. We'll also answer any questions you might have about the process. If you decide to request a mediation meeting, we'll then take a brief case history so we understand the needs of the child or young person and the disagreement you want to be resolved. We'll also discuss who should attend and how we can support you throughout the process. We'll then contact your local authority and get back in touch with possible dates and potential venues. Once meeting details are agreed, we'll send details in writing to everyone involved.

We'll keep you updated throughout this process. When the meeting has been arranged, our mediator will contact you, usually during the week before the meeting, to introduce themselves and talk about your concerns.

### **What you can expect at the meeting**

The mediator is there to support everyone to listen and talk. They don't make a decision but can help everyone come up with a solution. Discussion surrounding the disagreement allows each party the opportunity to provide their views and also to listen to others. The mediator will encourage everyone present to problem solve together to help enable a way forward to resolve the situation.

The meeting is child-centred and accessible for children to attend where possible. As their parent, you'll decide if your child attends and how long for.

You'll have the opportunity to:

- Talk about your child's special educational needs and what support you feel is needed to help them learn
- Explain where you feel school life might not be working well for your child
- Ask questions to understand the graduated response and how needs are met

The local authority will explain how the decision was made and tell you if there's any missing information and what to do next.

Meetings will usually last about two hours and are held as centrally as possible to all parties within a neutral venue.

### **What happens after the meeting?**

After the meeting, you'll receive an 'outcome statement' – a document summarising the key discussion points, the outcome and any agreed actions. Each party will be asked to sign this outcome statement before the meeting ends, to confirm it is an accurate record.

### **The legislation**

For more information about mediation and disagreement resolution you can search for the Special Education Needs & Disability Code of Practice January 2015. Chapter 11 is all about resolving disagreements and provides more information about your legal rights and entitlements under the Children & Families Act 2014.

**For more information** call us on **0161 283 4848** or email us at **[drs@togethertrust.org.uk](mailto:drs@togethertrust.org.uk)**. Visit us at **<https://www.togethertrust.org.uk/what-we-do/family-support/mediation>**