

SEND Mediation and Disagreement
Resolution Service

Information for parents and carers

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

What is mediation?

If you disagree with a decision that has been made by the Local Authority, mediation is your first stop before considering an appeal to the First Tier SEND Tribunal Service. It's an opportunity to get all parties together to resolve any disagreements early.

Mediation can take place following decisions by a Local Authority:

- Not to carry out an EHCP needs assessment
- Not to draw up/issue an EHCP
- Not to amend an EHCP
- Not to carry out a reassessment of needs
- To cease to maintain an EHCP
- About Section I of an EHCP

If you decide mediation is not for you, we can provide a certificate to allow you to submit an appeal to the First Tier SEND Tribunal Service. A certificate is not required to lodge an appeal solely about Section I of an EHCP. Please note an appeal must be lodged within 2 months of the final EHCP being issued.

The Local Authority must attend a mediation meeting and that person must have sufficient authority to make a decision during the mediation meeting.

Any agreement made by the Local Authority at mediation is legally binding, as if ordered by or agreed at a First Tier SEND Tribunal.

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?

Both Mediation and Disagreement Resolution meetings are facilitated by a trained and skilled **SEND Mediator** and follow the same process.

It is important that key people attend the meeting so that meaningful agreements are reached and actions agreed, if necessary.

The main parties to the disagreement are parent/s or carer/s and at least one representative from the Local Authority (this **must** be a person with sufficient decision-making Authority)

Your child will be fully involved where possible, as long as this doesn't cause them upset or anxiety. They can attend none, part or all of a mediation meeting if they want. They can input in other ways, such as via a phone call, email or video. We also have a booklet and other resources they can complete to contribute their views to the meeting.

Information Providers could include school staff or staff from other agencies (e.g. CAMHS, Health Professionals, Specialist Teams). They will only be asked to provide information for mediation and can do this prior to the meeting if they cannot attend.

Support for you at mediation could be a family member, an Information, Advice and Support Service (IASS) worker or an advocate. Their role is to support you to ensure you have said everything you want to say, they are not there to speak on your behalf.

Legal representation isn't necessary, but you can request this.

If there is any disagreement about who should be at the meeting this will ultimately be decided by the mediator.

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 you. 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. Most meetings are held online. 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, talk about your concerns and explain what will happen at the meeting.

What you can expect at the meeting

The mediator is there to support everyone to listen and talk. They are not there to make a decision but can help everyone work towards 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 solve problems together to help enable a way forward to resolve the situation.

The meeting is person-centered and accessible for children and young people to attend where possible. As their parent you can decide if your child should attend 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, what you want to achieve at mediation and ask questions.

The local authority will explain how the original 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 generally held online.

What happens after the meeting?

After the meeting, you'll receive an outcome statement. This is a document briefly summarising the key discussion points, the outcome and any agreed actions. Each party will be asked to agree the accuracy of the outcome statement before the meeting ends. The outcome statement will not be amended after the meeting and will be circulated within 3 working days to all who attend the meeting.

Mediation certificate

A Mediation certificate will be issued to you at some point during the mediation process to protect your right to appeal to the First Tier SEND Tribunal Service (unless your disagreement is solely about Section I of an EHCP as a certificate is not required for this type of appeal)

After your mediation

If your mediation meeting does not resolve the disagreement, you have you will still have the right to lodge an appeal with the First Tier SEND Tribunal Service. Information about how to do this will be included in the decision letter or with a final EHCP from the Local Authority.

For support around appeals please contact your local SENDIAS Service (Special Educational Needs & Disability Information Advice & Support Service) [Find your local IAS service](#) here.

The legislation

For more information about Mediation and Disagreement Resolution please refer to the Children & Families Act 2014, The SEND Regulations 2015 and the Special Education Needs & Disability Code of Practice January 2015.

For more information:

Email us at drs@togethertrust.org.uk

Call us on **0161 283 4807** or

Visit us at [SEND mediation and disagreement resolution | Together Trust](#)