

SEND mediation and disagreement resolution

Mediation and DRS – what is the difference?

Mediation

TOP TIP – If there is a right to appeal there is a right to mediation.

Mediation can take place following decisions:

- Not to carry out a statutory EHCP needs assessment
- Not to issue an EHC plan following a needs assessment
- About the contents of a final EHC plan (Sections B, F and I)
- Not to amend an EHC (i.e. after an annual review)
- Not to carry out a reassessment
- To cease to maintain an EHC plan

What to be aware of -

- Must be accessed within 2 months of a decision letter or final EHCP being issued
- Must be considered before an appeal can be lodged with the SEND Tribunal Service
- Attending mediation does not affect the right to appeal
- A Mediation Certificate is issued for an appeal to be lodged (except for EHCP Section I only appeals)
- The Local Authority (LA) must attend
- The LA must send a person with sufficient decision-making authority
- There will be an outcome on the day
- The LA must carry out what is agreed at mediation, as if ordered by the SEND Tribunal The Special Educational Needs and Disability Regulations 2014

Disagreement Resolution

TOP TIP – Any aspect of SEND processes and provision

Disagreement Resolution meetings:

- About how the education, health and care duties are being delivered, whether there is an EHCP or not
- About the special educational, health or social care provision made for a child or young person, whether there is an EHCP or not
- About provision throughout assessments, writing an EHCP, while waiting for Tribunal appeals and at review or during re-assessments

What to be aware of -

- Cover all children and young people with SEN (0 – 25)
- Can be used at any time
- Not just for those who are being assessed for or have an EHC Plan
- The LA must make parents and young people aware of their right to Disagreement Resolution meeting
- Is voluntary for all parties, including the Local Authority
- Often helpful to resolve disagreements about LA processes and timeframes and also how SEND provision is being made in schools

[SEND Code of Practice January 2015.pdf](#)

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/mediation**](https://www.togethertrust.org.uk/mediation)