



## Advice from SENDIST about Mediation

Before making an appeal about the assessment of Education, Health and Care (EHC) needs or the need for or contents of an EHC plan, it will be necessary for you to engage with a mediation advisor who will be able to provide information about mediation.

Once you have received the information from the mediation advisor, you can do one of two things:

- You can choose to access mediation and inform the mediation advisor of that intention
- you can tell the mediation advisor that you do not wish to engage in mediation.

If you inform the mediation advisor that you do not wish to engage in mediation, the mediation advisor must provide you with a mediation certificate confirming that you do not wish to engage in mediation within three working days of your notification.

If you wish to engage in mediation, then the LA must make arrangements for mediation to take place within 30 days and the LA is required to engage with mediation. A mediation certificate will be issued within three working days of the completion of the mediation.

If the local authority fails to arrange mediation within 30 days, then the mediation adviser must issue a medication certificate confirming the position within three working days.

If you have not obtained a mediation certificate at the end of the two month deadline for making the appeal, you can apply to the tribunal for leave to appeal without a mediation certificate by making an application in writing for leave to appeal explaining the reasons why you do not have a certificate.

The tribunal will only give leave to appeal without a mediation certificate if you can show that the circumstances are exceptional.

You do not need a mediation certificate where the appeal is against the school or institution named in the plan, the type of school or institution named in the plan or the fact that there is no school or institution or type of school or institution named in the plan.