

How do I consider Mediation?

You are not required to consider Mediation for a 'Section 1 only' appeal, although you may still want to take advice before making this decision.

Step 1 - Contact WIRED to speak to a Mediation advisor, You will be asked for more information to make sure you receive the correct advice.

Step 2 - Mediation Advice - You will be given some very specific information about Mediation to help you make an informed decision.

If you do not wish to participate in mediation a certificate will be issued within 3 working days of receiving advice. You can send this certificate to Tribunal to register an appeal.

Step 3 - If you would like to request a mediation meeting, the Mediation Advisor will send your request to the LA. If you request Mediation, the LA must comply and must arrange the meeting within 30 calendar days. The mediation service will make these arrangements for you.

Step 4 - The meeting will be chaired by an Independent, trained Mediator. Most meetings will take place virtually, but you can request a face-to-face meeting in a neutral accessible venue.

The mediator will then take notes during the meeting and formulate a meeting agreement, which is binding (meaning the LA must carry out what was agreed). This will be sent to both parties, along with a Mediation certificate within 3 working days of the mediation taking place, regardless of the outcome.

If the mediation did not fully resolve the disagreement, and the young person or parent still wishes to appeal to Tribunal, you must register an appeal within one month from receiving the certificate or two months from the original decision by the local authority, whichever is later.



To speak to a Mediation Advisor, contact:

Wirral Disagreement Resolution and Mediation Service

-  0151 522 7990 (Option 2)
-  ias@wired.me.uk
-  www.wired.me.uk
-  Wirral SEND Partnership

WIRED, St James Centre, 344 Laird Street, Birkenhead, CH41 7AL



Wirral Disagreement Resolution and Mediation Service

Disagreement Resolution and Mediation for young people and parents of children with Special Education Needs and Disabilities



Disagreement Resolution and Mediation

When disagreements arise between young people or their parents/carers and the local authority or education, health or social care providers about an aspect of a child or young person's special educational needs or provision they can be difficult to resolve.

Although **'disagreement resolution'** and **'mediation'** are often used interchangeably, under the Children and Families Act they have different meanings.

Disagreement Resolution is for young people or parents of children with special educational needs or disabilities, whether or not they have an Education Health or Care plan (EHCP). It allows parties to come together to discuss issues and explore possible solutions in a respectful, constructive way.

Disagreement resolution meetings are often successful in finding a solution which is agreeable to both parties and can prevent the disagreement from escalating. Both parties come to the meeting voluntarily, with a view to resolving the disagreement amicably.

Disagreement Resolution can be used to resolve disputes between parents, young people, education providers, health services and local authorities.

During the meeting a neutral facilitator ensures that both parties have the opportunity to explain their points and listen to what the other party has to say.

The aim of the meeting is to...

- Improve the channels of communication and understanding between the parties
- Reach realistic, practical solutions that meet the young person or child's needs
- Avoid the need to go through appeal or complaints procedures which can be time-consuming, costly and distressing

Participating in a disagreement resolution meeting does not affect your right to pursue further routes of appeal or complaint.



Mediation

Mediation is a confidential process (except in cases where there are safeguarding issues) and is conducted in a safe, neutral environment that allows for both parties to be listened to and understood.

Young people or their families who have, or who have requested an assessment for, an Education Health and Care plan (EHCP) have the right to ask for mediation if they are unhappy with the local authority's decision.



Issues which can be discussed in mediation before going to appeal include:

- The Local Authority's refusal to carry out a needs assessment
- The Local Authority's decision not to issue an EHCP following assessment
- The description of the young person or child's special educational needs
- The extra help that is required to meet those needs
- The Local Authority's decision to cease to maintain an EHCP

Young people and families will be asked to consider mediation before registering an appeal, but having done so, they also have the right to decline it if they so wish. This decision will not affect the outcome of the appeal.

If the disagreement only concerns the name of the educational establishment then the case can proceed straight to appeal without the need for mediation. There are separate appeal processes for challenging the health and social care parts of the plan.

