

How do I get more information about mediation?

When the Local Authority writes to you about their decision in regard to a statement or EHCP they will inform you of your right of appeal and will give the contact details of an independent mediation adviser. Before registering an appeal you should contact the mediation adviser to discuss whether mediation might be a suitable way to resolve the disagreement ask any questions you may have.

If you do not wish to participate in mediation a certificate will be issued within 3 working days of the decision being made. You can send this certificate to Tribunal to register an appeal. If you have agreed to mediation, a meeting with all parties will be arranged within 30 calendar days at a neutral, accessible venue.

Any agreements reached during the meeting will be written out and signed by both parties. The mediator will then produce a 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, the certificate must be sent to register an appeal within one month from receiving the certificate or two months from the original decision by the local authority, whichever is later.

Wirral SEND Partnership Information Advice and Support service can give further information about registering an appeal with Tribunal.



To Speak to a Mediation Adviser Contact:

Wirral Disagreement Resolution & Mediation Service

part of
Wirral SEND Partnership Service

Tel : 0151 522 7990

Tel : 0844 880 1500

Fax : 0151 670 1600

E-mail: contact@wired.me.uk

Website: www.wired.me.uk

**WIRED, Unit 7, Wirral Business Park,
Arrowe Brook Road, Upton, Wirral, CH49 1SX**



Wirral Disagreement Resolution & Mediation Service



Disagreement Resolution & Mediation
for young people and parents of children with
Special Educational 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) or statement. 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. 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) or statement have the right to ask for mediation if they are unhappy with the local authority's decision about an EHCP or statement.



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 a statement or 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.

