

Information for Parents and Young People about Special Educational Needs and Disability Mediation

What is SEND Mediation?

If you want to make an appeal to the SEND Tribunal about an Education, Health and Care (EHC) plan or an EHC needs assessment, you can choose to go to a *mediation* meeting first. This is a chance to talk face-to-face with someone from your local authority or clinical commissioning group. Mediation aims to improve communication and understanding by bringing both parties together, helping them to find an early solution that everyone agrees with. This may prevent the need for a tribunal.

The meeting is managed by an independent mediator who has knowledge of SEND and the law. They facilitate a controlled and balanced conversation, making sure everyone is treated fairly and able to have their say. They encourage the parties to listen to each other's views and explore new ways forward. The mediator asks questions, clarifies and sometimes challenges what is being said. The focus is on what is best for the child or young person, whose views should be discussed.

The mediator is impartial and does not judge or take sides. It is for the parties themselves to try and find solutions. If all parties reach an agreement, this is written up in the meeting. The local authority should carry out any actions set out in the written mediation agreement.

Mediation is:

- **voluntary** - you do not have to try mediation before you appeal; you can withdraw at any time
- **free of charge**
- **quicker and less formal than a tribunal** - usually held within 30 days of your request for mediation
- **confidential and without prejudice** - nothing shared at mediation can be used at a tribunal
- **accessible, simple and flexible** - you will be part of the decision-making; you can bring a friend, advisor or advocate with you
- **held in a safe and supportive setting**

If mediation doesn't fully resolve the issues and you are not happy with the outcome, you still have the right to appeal to the Tribunal. The Tribunal's decision will not be affected by your choice of whether to try mediation or not, or by any mediation outcome.

When can Mediation be used?

You can go to mediation before an appeal when a local authority decides:

- not to carry out an EHC needs assessment or re-assessment
- not to draw up an EHC plan
- not to amend an EHC plan
- to cease to maintain an EHC plan

You can also choose mediation if you receive a final or amended plan and you:

- disagree with the parts that describe the special educational needs and provision
- disagree with the health and social care aspects

Mediation Advice and Certificates (compulsory)

You will need to obtain a mediation certificate to register an appeal. The local authority will give you details of a mediation advisor when they send you their decision letter. You need to contact the advisor within two months. They will give you unbiased information (*mediation advice*) to help you decide whether to try mediation or go straight to the Tribunal.

If you choose mediation, the mediator will give you the certificate after the mediation. If you do not want mediation, the advisor will issue you with a mediation certificate to confirm that you have been given information about the opportunity to mediate. You have one month from receiving the certificate, or two months from the local authority's decision (whichever is the later date), to register an appeal.

An exception is an appeal which is only about Section I of an EHC plan (the name of your child or young persons' school or other placement) - this can be made without a certificate.

What are Disagreement Resolution Services?

A *disagreement resolution* meeting is run by a mediator in essentially the same way as a mediation. The key difference is that while *mediation* is only used at the specific times outlined above, *disagreement resolution* can help resolve disagreements about any aspect of SEN provision, at any time. It is voluntary for all parties.

Disagreement resolution could be used, for example, in a disagreement with: a school or local authority about how they are providing support (with or without an EHC plan), a local authority or health commissioning body about how they are doing a needs assessment or drafting an EHC plan, or a local authority when an appeal has already been registered.

Further Information

If you are a *young person*, you have the right to make choices about mediation or disagreement resolution yourself. The people who support you can still help you to make these decisions if you want them to.

You can contact your local Information, Advice and Support Service for independent support with mediation and disagreement resolution. Further information can be found on your local authority's Local Offer website and in Chapter 11 of the [SEND Code of Practice](#).

Standards for SEND Mediators

Individual SEND mediators can now become accredited (recognised) to show that they meet standards approved by two independent standard-setting bodies and supported by the Department for Education.

In response to parents' views, the voluntary standards have been introduced to help inform parents and young people in their decisions about mediation. The standards aim to develop confidence in the role of mediation and how it is carried out, ensuring quality and consistency for users. They are outlined in this document.

The names of all mediators who demonstrate that they meet the standards will be listed on a public register. This confirms that they have (among other criteria) the level of training, skills, experience and knowledge (including knowledge of SEND law) required to be a competent SEND mediator.