

## Duties placed on the mediator

- The mediator should provide factual and unbiased information about the mediation process and procedure.
- Should explain that once the parent or young person has received mediation information they can then make an informed decision whether to proceed with mediation.
- Where the parent or young person decides not to proceed with mediation the mediator will issue a certificate within 3 working days confirming that information has been provided.
- The certificate is important as this enables the parent or young person to lodge their appeal to first tier tribunal either within two months of the original notice from the LA or within one month of receiving the certificate whichever is the latter.
- Where a parent or young person decides to proceed with mediation the LA must ensure that a mediation session takes place within 30 days.



## For more information contact:

### Dudley SEND information, advice and support service

Saltwells Education Centre, Bowling Green Road,  
Netherton, Dudley DY2 9LY

An answering machine is in operation, please leave a message and we will return your call.



Tel: 01384 817373

E-mail: [dudley.sendiass@dudley.gov.uk](mailto:dudley.sendiass@dudley.gov.uk)

Web: [www.dudley.gov.uk/dudleysendiass](http://www.dudley.gov.uk/dudleysendiass)

# Mediation and disagreement resolution

Dudley special educational needs and disability information, advice and support service (SENDIASS)

- Free
- Impartial
- Confidential



## What is disagreement resolution and mediation?

- These are both ways in which a parent or young person may seek to resolve a disagreement.
- Disagreement resolution and mediation are sometimes referred to as being the same, however under the Children & Families Act 2014 they refer to different processes.

## Disagreement resolution

- This is a way of resolving or attempting to prevent issues from escalating and is separate from formal mediation.
- Disagreement resolution can apply to all parents with children with SEND and young people with SEND with or without an EHC plan.
- Disagreement resolution can provide a quick and non adversarial way of resolving disagreement.
- Dudley SENDIASS provides access to disagreement resolution to parents, children and young people.
- Some examples of how we might assist in resolving disagreement:  
i.e.

*Disagreement between parents and school*

*Disagreement between, parents, young people and the LA*

*Disagreement between young people and post 16 settings relating to the provision*

*Disagreement between parents or young people and the clinical commissioning group*

- Disagreement resolution can also be used to resolve disagreements throughout assessment and the drawing up of the EHC plan.

## Mediation

Mediation is a process similar to Disagreement Resolution which supports people to resolve issues. However as part of the Children & Families Act 2014 mediation must be considered by the parent or young person following the notice of a decision by the LA relating to the Education, Health Care assessment that can be appealed to the first tier tribunal. However an exception to this requirement is if the appeal is solely about the name of the school, college or other institution on the EHC plan or the fact that no school or institution is named.

## Duties on LA

- The LA must advise the parent or young person of their right to access mediation.
- And that a mediator must be contacted prior to registering with first tier tribunal.
- The LA must provide the contact details of the mediator.

## Status of mediation services

- Mediation services are commissioned by the LA but must be independent of the LA.