



Mediation Guidance for Parents

**If you have any questions which are not covered here, please give us a call on
03330 062 835**

What is mediation?

Mediation is a process where an independent person (the mediator) helps people in dispute find agreement. The *parties*, not the mediator, decide the outcome. Mediation usually focuses on the present and the future rather than the past.

How does it work?

Once you have decided to go to mediation, we let the local authority know. They have to take part and the mediation needs to be arranged in 30 calendar days from when we told the LA.

We help prepare all parties for the mediation. We ring them to find out what they think the disagreements are that need to be resolved. We write up what you tell us, and send it out to you on an 'agree to mediate' form. This form also contains tick boxes covering points such as the confidentiality of the mediation. You need to complete this form, make any changes you want to the summary, sign it and return it to us. We need the form back one week before the mediation meeting at the latest and you will get the other party's summary at the same time.

We then agree with everybody the date and time for the session to take place and appoint a mediator. We also find out who else should attend, for example somebody from the school.

The meeting will take place somewhere local which is convenient for all the parties and particularly the parents or young person. The meeting will be about 3 to 4 hours long. Sometimes the local authority can make meeting rooms available but we will only agree to this if you are happy about it. If you have any particular requirements (such as wheelchair access for yourself or your supporter), please let us know as soon as possible.

Before the joint meeting, the mediator may meet with you separately for a short while to introduce him/herself and to answer any questions you may have. Then everybody usually moves into the same room and the joint discussion begins. The mediator will ask everyone to speak briefly about the issues they are bringing to the mediation. You will be able to speak without interruption, and will be asked not to interrupt the other party when they speak. After this the issues can be explored in more detail, and together you will think about possible solutions to the disagreement. If an agreement is reached, it will be written up at the end of the meeting and a copy will be given to you and the other party.

Who are the mediators and what do they do?

We have a panel of experienced SEN mediators, who are trained in SEN legislation. They are fully independent from the local authority. Your mediator will be fully prepared by our case-coordinator on the details of your case.

The mediator is there to listen, ask questions and help keep the conversation focussed on things that need to be resolved. The mediator does not offer solutions or give advice. The mediator is independent and impartial and does not say who is right or wrong. He / she is there to ensure people can speak freely and that the discussions are fair and equal. Your mediator may sometimes ask difficult questions both to you and the other party. This is to help with clarity about the disagreement and to help move things forward. It is also to ensure that you have an agreement that will work.

How quickly can mediation be arranged?

How quickly a mediation meeting can be arranged depends on parties' availability. However, it must take place within 30 days from us telling the LA that you want mediation if at all possible. If it cannot take place in that time you can decide to agree to a later date or we issue the Certificate so you can go to the Tribunal.

Can I bring a friend or supporter with me?

Yes, definitely. We usually say to parents that it is very helpful if they can bring someone with them. Some parents bring their partner, or a friend, a neighbour, or one of their child's grandparents with them, to support them during the mediation meeting.

Will mediation get me the outcome I want?

Mediation is not about getting what you want. It is about meeting with the other party to work together to find a solution which works for everyone involved, especially the child. You may find that people change their views, and you get the solution you wanted for your child. Equally, you may decide that you are willing to accept partly what the others are suggesting. Or together you may come up with a completely different solution. Parties have to come to mediation willing to listen to others and then to work together to find a solution.

How can I make sure my child's views are represented at the mediation?

It is very useful for everyone involved if your child can give his/ her views. This will depend on your child's age and his or her capacity. Some children will be able to write down their views. Other children will prefer to record their views through a drawing or on an audio tape. Your child may also wish to be present at the mediation meeting. If your child wishes to attend the mediation, we *must* know beforehand that he or she is going to be there. As it is unlikely that your child will be there for the whole session, you need to arrange for someone else (a relative, friend, neighbour etc.) to come and collect your child.

We have guidance for children/ young people coming to mediations, which either your child can read or you can read with him/her.

Can I make an appeal to the SEND Tribunal at the same time as going to mediation?

Yes. You need a certificate to go to Tribunal. For this, we need to arrange a Mediation Advice session with you. It is done on the telephone and takes about half an hour. We will let you have the Certificate within 3 working days following the session. If later on matters are resolved at mediation, you can withdraw your tribunal appeal.

What does 'authority to settle' mean?

Authority to settle means that you can decide any agreements made without having to ask anyone else. If you are separated or divorced, it will be best for the other parent to attend as well if at all possible. "Authority to settle" also means that the local authority needs to send somebody to mediation who can make decisions about the issues where there is disagreement.

Why is mediation confidential?

What is said during the mediation meeting is confidential so that everybody is able to speak frankly. All 1:1 conversations we have with parties remain confidential, unless you agree to share that information with the other party. The written agreement at the end of the meeting is usually NOT confidential as it may need to be shared with others who work with the child / young person. For example their SENCO or form teacher.

Will I have to pay for the mediation?

No, our service is free of charge for parents and young people. Please also let us know if you have problems with any expenses for attending the mediation, for example travel expenses or child minding expenses. We will inform the local authority and they will refund reasonable expenses.

What do I need to bring with me to the mediation?

You should only bring the key documents. If you feel more comfortable bringing all your documents, you can do so. But please remember, mediation is not about proving your case - it is about looking at the problem together and finding solutions for the future.

What do I do if I am upset during the mediation or if I want to talk to the mediator in private?

Anyone can ask for time-out at any point during the session. All our mediators are friendly, approachable and down to earth people. You can tell them if you are feeling upset or anxious about something or need a short break. There will usually be time for breaks for everyone during the meeting as well.

Will the whole meeting be face to face with the other party?

SEN mediation meetings are mainly face to face meetings. This is because mediation is about having open and frank discussions, conducted in a civil manner. The mediator's job is to ensure that mediation is a safe and fair process.

What happens if we don't reach an agreement?

Mediation can generate fresh and original solutions which the parties might not have thought about. Both parties are coming to the session with a willingness to negotiate and to resolve the disagreement. There is therefore a good chance that mediation will result in an agreement, and we find that in around 80% of cases some kind of agreement and plan of action is reached. If no agreement is reached, you can still take another way to resolve matters, for example going to the tribunal.

How do I know that the local authority/school are going to do what has been agreed?

Agreements reached at SEN mediation are a contract between the parties but not legally enforceable. In our experience, agreements are made in good faith and are very rarely broken because parties have worked out together what they want to do.

I have more questions, which aren't listed here. What should I do?

Give us a call on 03330 062 835, and we will do our best to help.