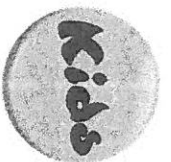


Routes to Mediation or Disagreement Resolution (DR)



Type of Disagreement	MIAS / certificate needed	Mediation	DR	Tribunal Appeal possible	Comment
<ul style="list-style-type: none"> Refusal to assess for EHC needs Refusal to issue EHC plan Decision not to amend EHC plan Decision to cease to maintain EHC plan Educational and / or Social Care Content of EHC plan Health and Care provision which educates or trains the child / young person 	✓	✓		✓	<ul style="list-style-type: none"> LA must attend LA must be able to overturn original decision(s) at the mediation meeting where they deem this to be appropriate (have relevant decision making power / delegated power) Mediation within 30 calendar days from LA notified wherever possible
<ul style="list-style-type: none"> Health content of EHC plan and / or Social Care content of the EHC plan ONLY 		✓			<ul style="list-style-type: none"> Health and Social services must attend if disagreement is about health and care elements of the plan and must have relevant decision making power Mediation within 30 calendar days from Health / Social care notified wherever possible
<ul style="list-style-type: none"> Named Education Provider No Education Provider is named Type of Education Provider 			✓	✓	<ul style="list-style-type: none"> Applies if any of these are the ONLY disagreement, i.e. parents happy with rest of contents of EHC plan
<ul style="list-style-type: none"> How LA and / or Education Providers carry out their education, health and care duties About the special educational provision made for a child / young person About health or social care provision 			✓		<ul style="list-style-type: none"> Regardless of whether child / young person has EHC plan or not At ANY stage of the assessment and EHC Plan process, including while waiting for tribunal hearing, during review or reassessment
<ul style="list-style-type: none"> LA and health commissioning body disagree during EHC process 			✓		<ul style="list-style-type: none"> DR is between LA and health commissioning body; parents / young people are NOT involved
<ul style="list-style-type: none"> Disagreement under 2001 legislation (i.e. child has a Statement of SEN) 			✓	✓	<ul style="list-style-type: none"> In the 2001 legislation this was called "Mediation" but due to the voluntary nature of all parties now falls under DR

Notes:

Mediation: 30 calendar day deadline within which mediation should take place; compulsory for relevant agencies to attend. Mediation can be "late" if parents / young person agrees to it being late.

Representatives from LA and other agencies must have relevant decision making authority at the mediation meeting.

LA statutory letters: must tell parent / young person of right to go to mediation and that they **MUST** contact the mediation adviser. They must give the contact details of the adviser and the time scales for contacting the adviser. The letter **MUST** also state the right to tribunal appeal is not affected by going to mediation.

DR: no statutory deadline but should take place within 30 calendar days; not compulsory for agencies to attend but strongly encouraged

Mediation and DR information: **MUST** be set out in the Local Offer

MIAS: Mediation Information and Advice Session: arranged to suit parents / young person – usually done by telephone. Parent / young person must contact Mediation Advisor within 2 months from LA decision letter date. If parent / young person decides to go to mediation, service must inform LA or Health / Social care within 3 working days. Mediation must then take place within 30 calendar days from LA having been informed. If parent / young person decline mediation, the tribunal Certificate is issued.

If parents / young people apply for MIAS late, they have to contact the Tribunal and ask for a certificate exemption (stating the reasons of why they were not able to have the MIAS within the 2 months.

Tribunal Certificate: is issued if parent / young person decline mediation; if they change their mind about going to mediation, if mediation (for whatever reason) has not taken place within 30 calendar days and following a mediation meeting. Certificate provides parents / young person 30 days in which to make a tribunal appeal (from date of certificate).