



SEND Mediation Workshop For Family Voice,

Norwich, Saturday, 14th March 2020

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www.kids.org.uk/mediation-info

Acronyms



- CCG = Clinical Commissioning Group
- C/YP = Child / Young Person
- DR = Disagreement Resolution
- EHCP = Education Health Care Plan
- MIAS = Mediation Information and Awareness Service
- P/YP = Parent or Carer / Young Person
- SMART = Specific, measurable, achievable, realistic, time-bound

Workshop Programme



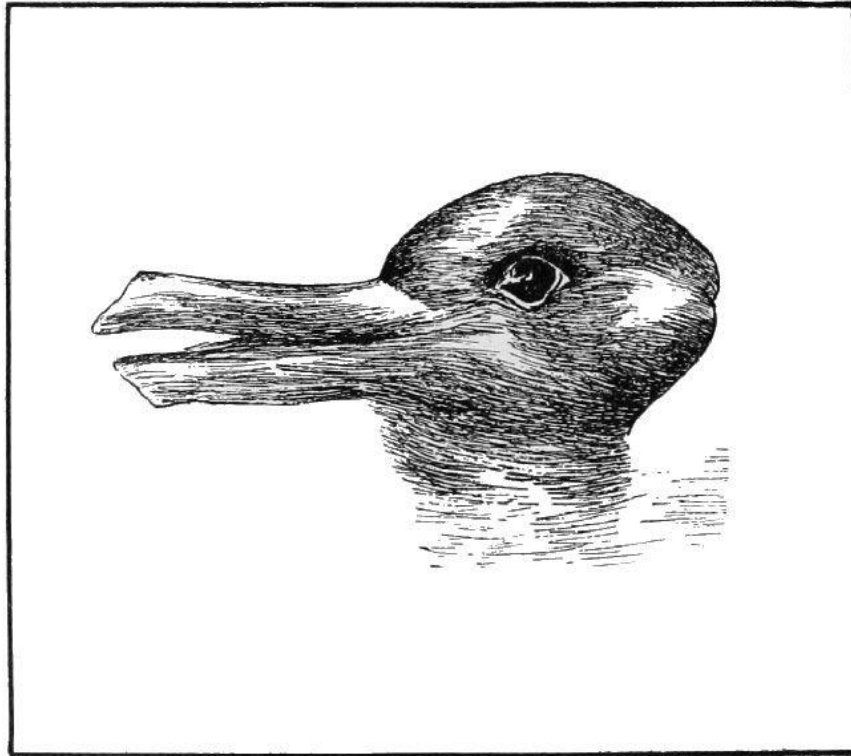
- What is SEND Mediation and who is involved?
- Types of disagreement
- How does Mediation work & what does it achieve?
- Groupwork:
 - Child/YP participation
 - Taking part in mediation
- Q&A Session

Quick Quiz



- You have to go to Mediation before making a tribunal appeal – yes or no?
- You have to either go to Mediation or make a tribunal appeal – yes or no?
- How long does it take to have a Mediation meeting?
- The LA have to attend – yes or no?
- Who else might be at the Mediation meeting?
- What does the Mediator do?

What do you see?



What is SEND Mediation? (1)



- Confidential, voluntary (for P/YP), informal, quick, local, little paperwork, person centred
- Mediator is impartial and manages the meeting: helps people work together to resolve the disagreement
 - All KIDS Mediators are accredited and experienced specialist SEND Mediators
- Focus is on child/young person, finding solutions that meet needs and often improve relationships
- Free of charge for families

What is SEND Mediation? (2)



- An alternative to tribunal: typically a one-off well prepared 2-hour face-to-face meeting
- Part of 2014 legislation:
 - Statutory time scales apply (30 days)
 - LA must attend and have decision making power
 - P/YP needs to access MIAS
 - Tribunal certificates ensure access to tribunal maintained

Who can refer / Who is involved?



Referrals by P/YP or LA, CCG – most referrals are made by the family

- Parties: P/YP, Local Authority, sometimes Social and Health Care (final EHCP stage)
 - YP over 16: legislation applies directly to them, so whenever possible they should take part
- Supporters: family/friends; sometimes advocates, signers, interpreters, occasionally SENDIASS
- Providing evidence / expertise: education provider(s); health (for example SALT), other professionals involved with the C/YP

The Mediator's Role



- Understands SEND context, maintains confidentiality, is impartial; helps parties prepare for mediation
- Creates a safe space for participants to understand issues and work towards finding solutions (often “wider” than tribunal rulings)
- Ensures fair balance of contributions; promotes respect and empathy; keeps focus on C/YP; is able to work with “high emotions” and overcome “deadlock”
- May occasionally ask “tough” questions

Types of Disagreement



- Mediation: EHC Process related - refusal to assess, refusal to issue EHC Plan, Contents of EHC Plan, Ceasing Plan
- Disagreement Resolution: for other SEND related disagreements. Can be requested at any time during SEND process but voluntary for all.
 - For Part I only disagreements (placement)
 - For how SEND, health, social care provision is made
 - For how statutory bodies carry out their education, care and health duties

What happens (1)



- MIAS arranged (covers general information and is neutral - not pushing P/YP towards mediation)
- If P/YP opt for mediation, KIDS informs other party – LA, CCG; if not, Part 1 Certificate issued
- KIDS casework team consults with parties about date, location, participants; makes practical arrangements; allocates mediator
- KIDS ensures voice of the child/young person is heard (enabling participation in their mediation in a variety of ways appropriate for the C/YP)

What happens (2)



- Mediator contacts parties, finalises who needs to attend, answers questions and concerns
- Mediator helps family prepare for mediation (mediation summaries)
- Mediator facilitates the mediation meeting which is typically about 2 hours long. It is “informal” but follows a specific structure
- With help from parties, the Mediator writes a SMART agreement, which is signed by participants and forms a contract

The Mediation Meeting



- Takes place at a neutral /other agreed venue and takes about 2 hours (longer if complex issues)
- Brief pre-meetings with mediator (confidential)
- Followed by joint meeting (includes breaks, sometimes individual private meetings):
 - Mediator makes introductions, sets out ground rules, explains purpose and agenda
 - Parties make “opening statements; mediator facilitates rest of meeting
 - Concludes with written and signed agreement

KIDS Statistics



- Average of 70% of P/YP opt for Mediation
- Most referrals are for Refusal to Assess, Refusal to issue a Plan and Contents of Plan
- 75% of Mediations take place within 30 days and are around 2 hours long
- Average number of participants is 5
- 85% of Mediations result in agreements and 99% of agreements are adhered to
- Over last 12 months 97% of participants were satisfied/highly satisfied with the service

Most recent quotes



Parents email to one of our mediators:

“Just wanted to pass on our thanks again for all your advice during this process. I know that for you it is just part and parcel of your day job, but honestly you explained the whole process so clearly and calmly and with such warmth that you took some of the uncertainty and fear away.”

Parent about participation of her 16 year old daughter:

“I wanted to say thank you for helping Amy take part in her mediation. This was the first time she has been able to articulate her needs and participate in a meeting about herself. She was anxious but everybody at the meeting and especially the mediator gave her a lot of confidence and she is very proud about it all. And she says she liked the biscuits!”



Any questions or comments?

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