



Mediation Information & Awareness

Since September 2014, anyone wishing to appeal a local authority decision about an EHC needs assessment or EHC Plan must first contact a mediation adviser to receive mediation information. We can give you this information over the phone or you can read this leaflet to find out more. There is no requirement to undertake mediation, just to receive the information, so that you have a clearer idea of what mediation might offer you.

Why try mediation?

Run by an independent third party.

A trained mediator manages the meeting, which usually lasts about 2 to 4 hours.

They are completely independent and will not give advice or take sides. They make sure everyone has their say and help people to work through the possible resolutions. The mediator records any agreements that the parties reach between them.

Informal

Mediation brings the people involved with the child or young person together to see if they can agree a resolution between them. That makes it more informal than a Tribunal in which a panel hear all the evidence and then make their decision.

Non-legalistic

Mediation focusses more on problem solving than evidence gathering and therefore relies on the input of the people around the table who know the child or young person. It is an accessible and simple disagreement settlement process designed to bring parties together to clarify the issues, and reach resolution.

Voluntary for parents and young people

Mediation is voluntary for all parents and young people.

A requirement for professionals

Mediation is not voluntary for those professionals involved in your case. Usually, this includes the local authority and representatives from the Clinical Commissioning Group (CCG), if health services are involved.

Confidential

What is said within a mediation session is confidential and that includes your phone calls to KIDS SEN Mediation Service. However, if you give your permission for something to be shared with the other party, then this can be done at any time.

Agreements made by the parties

Agreements have to be acceptable to those present and involved in implementing them.

Travel Expenses

The local authority will pay reasonable travel expenses and other expenses to the parent or young person taking part in mediation.

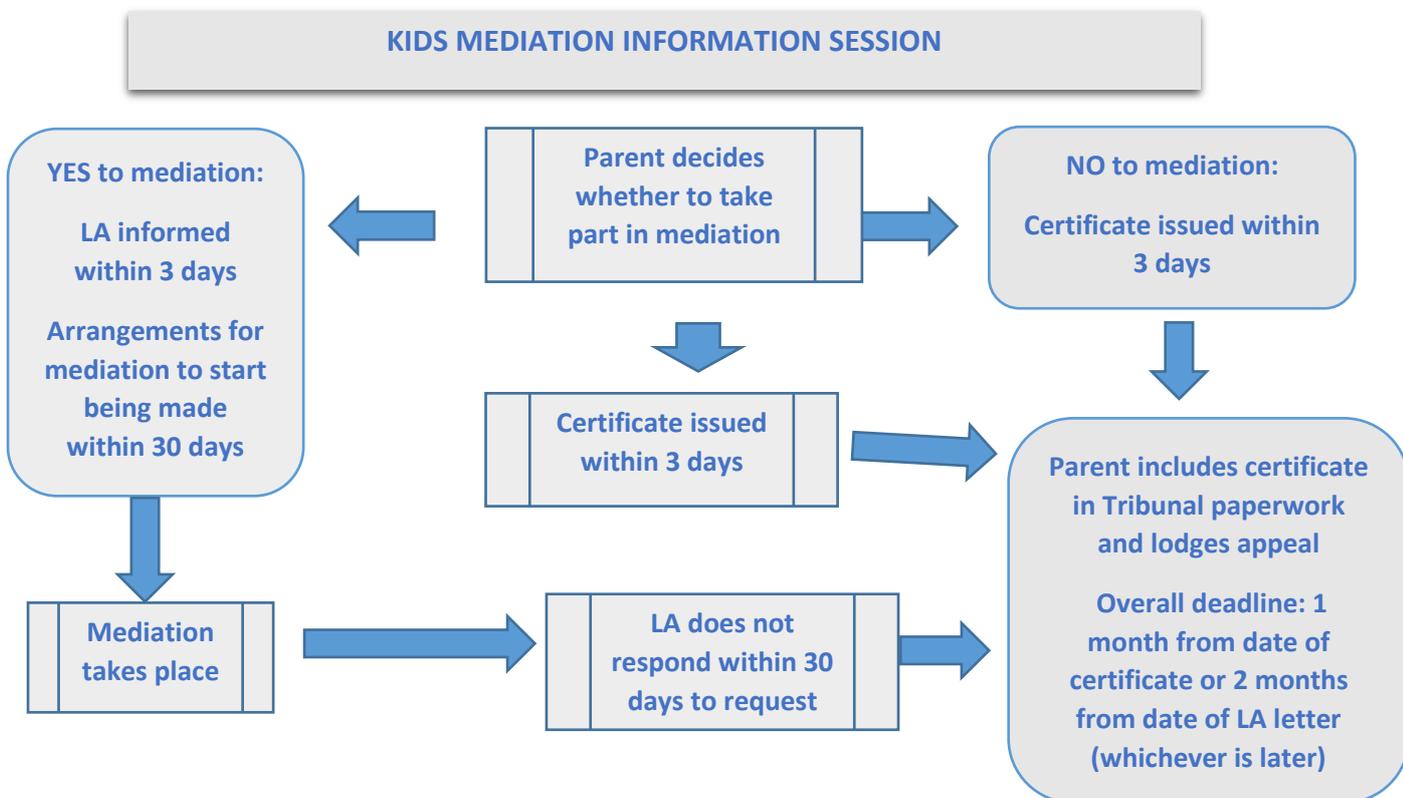


If after your Mediation Information and Advice Session you tell us that you do not want to take part in mediation, we will issue you a certificate within 3 working days. The certificate will say that you have received the mediation information but do not wish to take part in mediation. You would include this certificate in your Tribunal papers when you submit your appeal. You would have 30 days from the date of the certificate, or two months from the date of the letter from the local authority (whichever is later), in which to lodge your appeal.

If you decide you want to try mediation, we will inform the local authority within 3 working days **provided we have received your completed Parent/Young Person Consent Form. Under GDPR legislation, before we can contact the Local Authority on your behalf we need to ensure we have received your consent for us to do so.** The local authority has 30 days in which to respond and propose dates for the mediation to take place. Once the local authority has responded, it takes up to 3 weeks to set up the mediation. This depends on the availability of those attending the mediation. The mediation will be held in your local borough at an accessible location. One of our mediation caseworkers will work with you to prepare for the mediation.

As a reminder, you can decide to take part mediation or not; the choice is yours and not undertaking mediation will not count against you at your appeal.

After attending mediation, if you still wish to appeal to Tribunal, you can do so. The mediation service will issue a certificate within 3 working days of the mediation meeting which states that the mediation has taken place. You would have 1 month from the date of the certificate, or two months from the date of the letter from the local authority (whichever is later), in which to lodge your appeal.



Please complete the Consent Form and email it to mediationlondon@kids.org.uk

For more information please see our website www.kids.org.uk/mediation-info

KIDS SEN Mediation Service

0333 0062 835