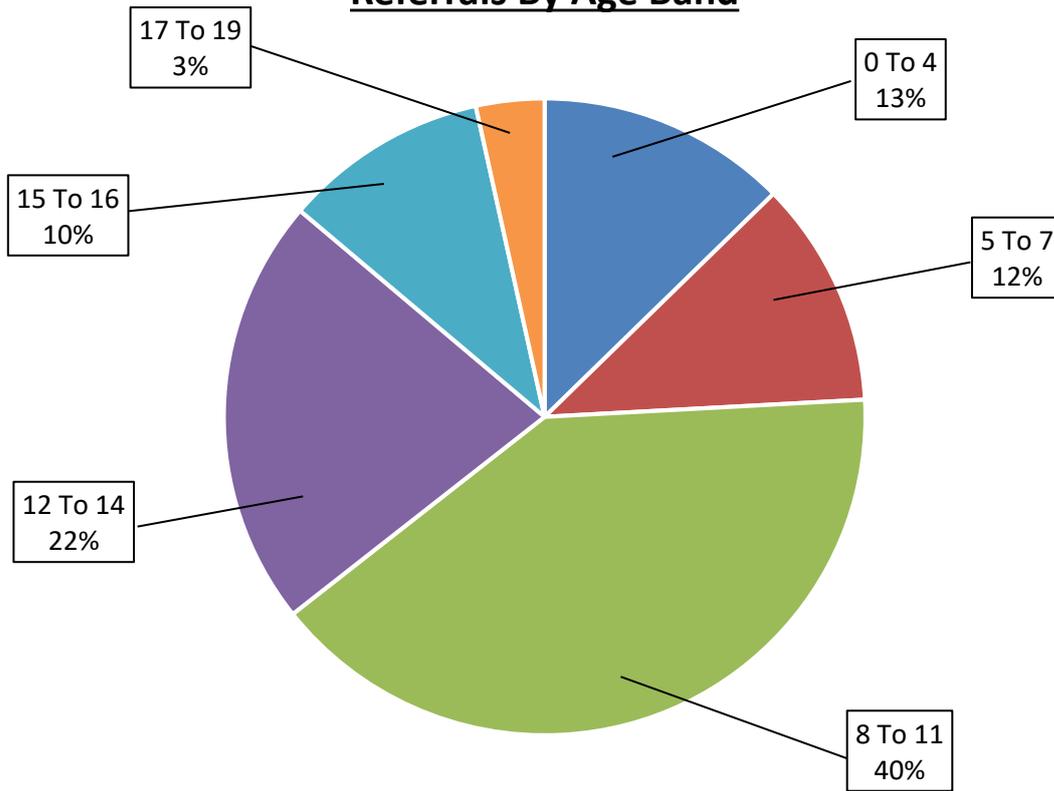
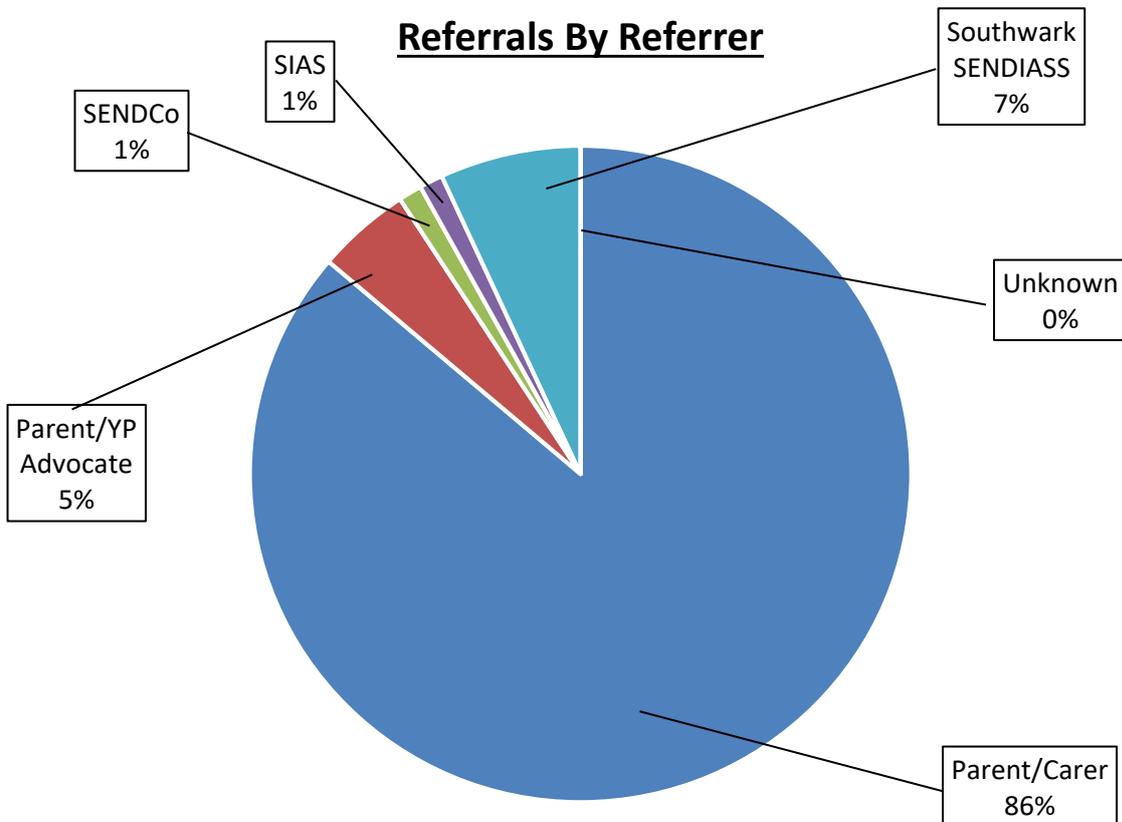


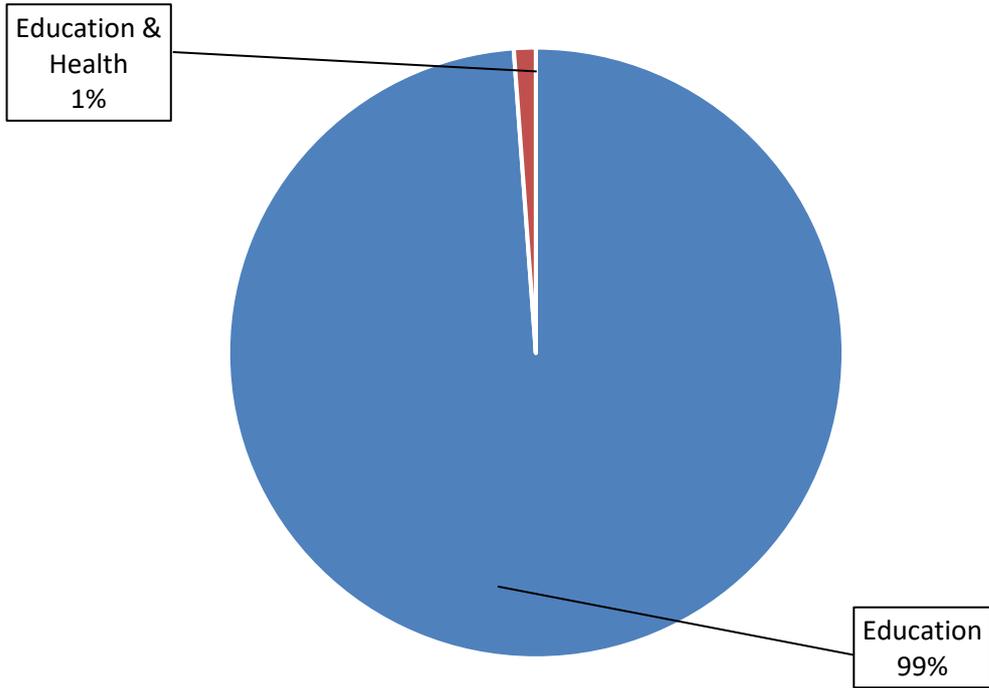
### Referrals By Age Band



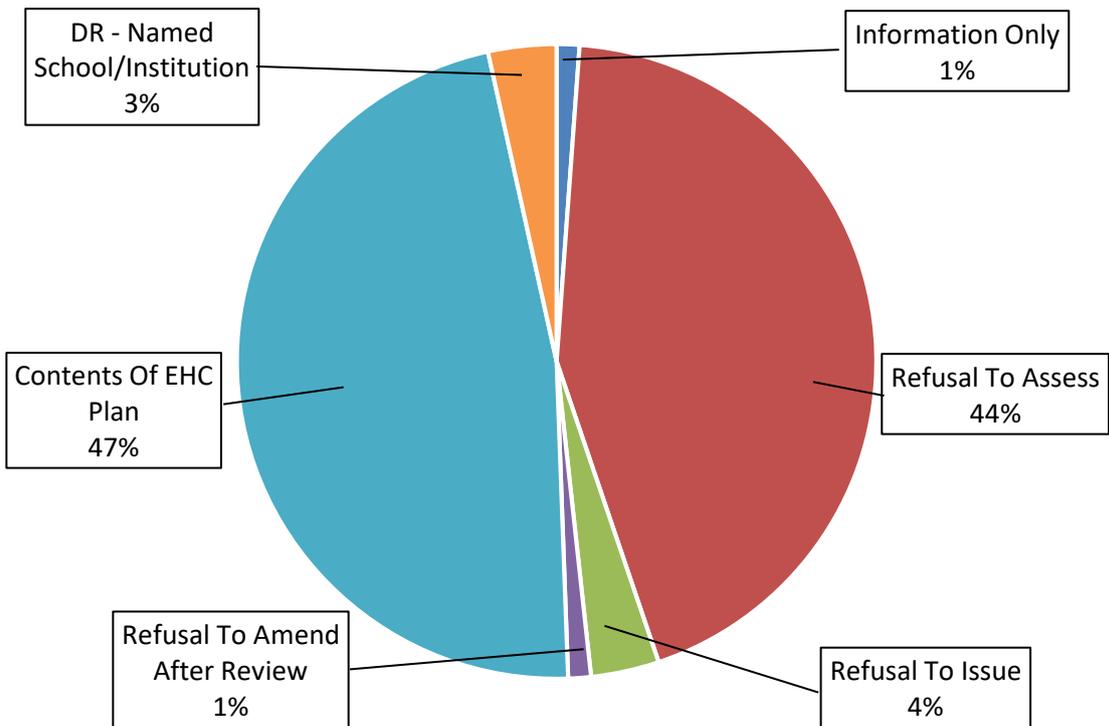
### Referrals By Referrer



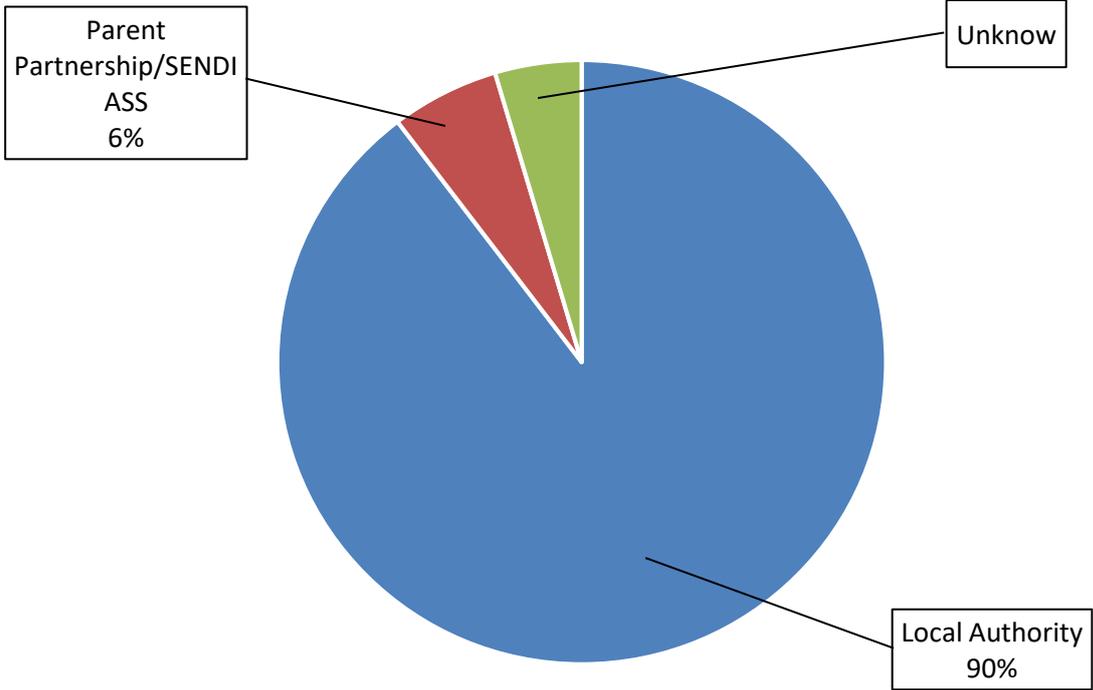
### Referrals by type



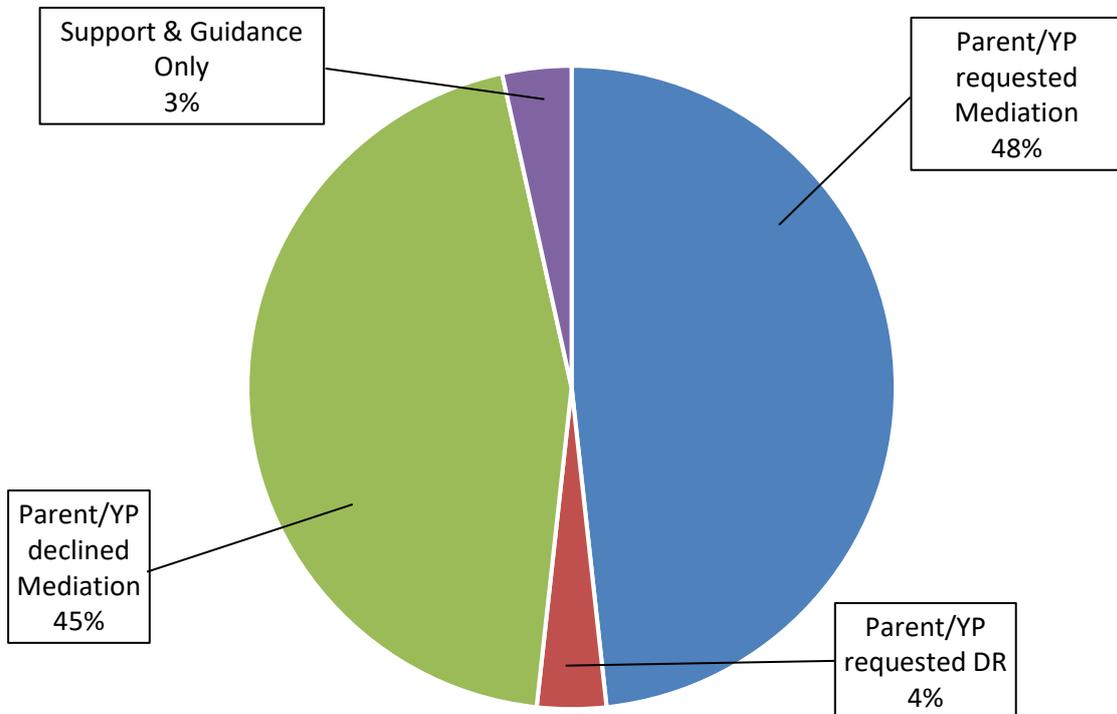
### Referrals By Issue in Dispute

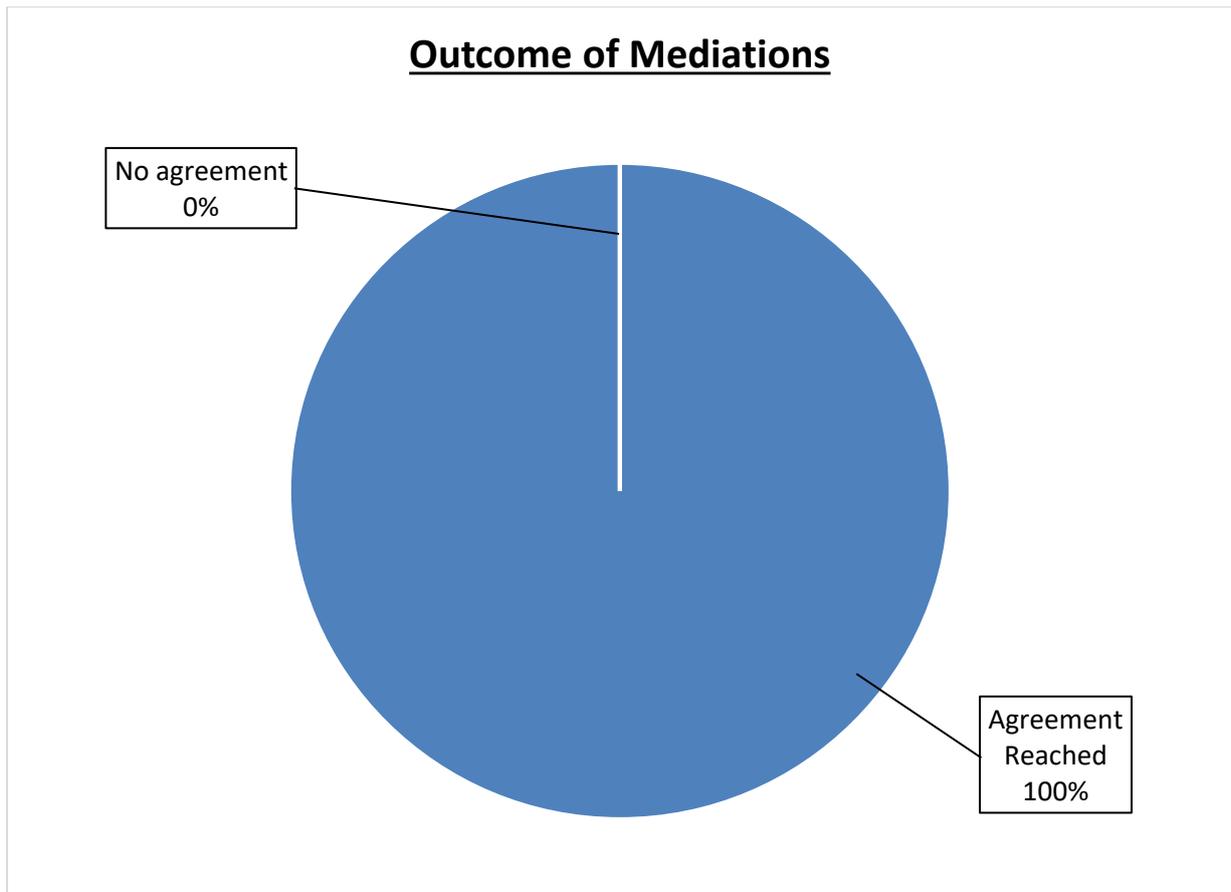


### Referrals By Referral Source



### Outcome of Referrals





### **Summary of Key Service Delivery**

**Impact of Covid-19-** As a result of Covid 19 and Government advice in March 2020 to work from home, KIDS SEND Mediation Service very successfully and quickly pivoted to remote working and increased use of digital technology.

Current system of remote working and virtual mediations continues to work very well. We use platforms such as Microsoft Teams and Zoom.

KIDS intends to retain virtual mediations in addition to face to face mediations. This blended offer provides choice to service users.

### **Agile response to Covid**

Click on the link below to access our Charity wide report:

<https://www.kids.org.uk/Handlers/Download.ashx?IDMF=25f33716-6fdc-47c8-aa7e-e14deb6dda10>

### **Number of Referrals and outcomes**

See quantitative data in spreadsheet attached and pie charts above.

## **Types of referral**

Almost all referrals have been education based.

**Reason for Referral-** The two main reasons for referral were:

- LA declining to do an EHC Assessment of Needs for EHC Plan- 44%
- Content of EHC Plan-47%

**Referral by main SEND identified** – The main SEND identified is Autism 53%. This reflects a national trend.

**Age-** 40% of referrals are at Key Stage 2. This is a key phase transfer stage so this is a common pattern nationally.

**Gender** – 71% of referrals relate to males. This reflects the national trend.

## **Statutory Mediation advice and Information Sessions**

These are 1:1 sessions that we arrange with parents/ young people who contact us once they receive the local authority statutory decision letter.

- 48% of parents contacting our service requested mediation after they were provided with a Mediation Information and Advice Session.
- 45% of parents declined the option of mediation and requested a certificate so that they could proceed to Tribunal.

This evidences that the Mediation Information we provide to parents and young people is factual and unbiased as required by the Code of Practice. No pressure is placed on referrers to take up the option of mediation. [11.21 Code of Practice].

**2021-2022-** This year we are tracking more closely the reasons for declining mediation and will be able to share this intelligence.

Following a procurement exercise KIDS successfully bid to continue to provide these services for Southwark LA. Commissioners have requested data regarding ethnicity going forward. This will be included in the next Annual report.

## **Award winning service**

We are honoured to have won the SEND Mediation Prize at the National Mediation Awards UK 2020. The awards are organised by The Civil Mediation Council and the College of Mediators. This external recognition of the high quality services that we provide is tremendous. Click on link below to watch a short video clip of the awards:

<https://www.kids.org.uk/News/kids-mediation-service-wins-send-mediator-award-2020>

### **Added Value- Learning Resources -Annual SEN Law Conference**

We were delighted to be the first and only mediation provider invited to speak at the annual SEN Law Conference in March. It is a high profile national event and over 200 delegates attended on line to listen to speakers including representatives from the Government, Ombudsman, Bar Council and Tribunal.

Below is a link to the presentations. These are useful learning/development resources for the LA SEND Team:

[https://drive.google.com/drive/folders/1JSV82xIKjzouVU\\_adxZBQSsoAVq0JT\\_W?usp=sharing](https://drive.google.com/drive/folders/1JSV82xIKjzouVU_adxZBQSsoAVq0JT_W?usp=sharing)

### **Added Value- National Trial Webinar Resources**

We were also delighted to be the chosen mediation provider to co deliver National Trial Webinars in December 2020 with the Department for Education and the Tribunal. These webinars were aimed at Local Areas (including Clinical Commissioning Groups) and Parents to update them on the National Trial and Mediation. The webinars are a useful information and training resource for your SEND Teams.

See links to webinars below:

Local Areas Webinar <https://www.youtube.com/watch?v=9g6zLD6ITTY>

Parent Webinar <https://www.youtube.com/watch?v=a-jC-l0ReyU>

### **Tribunal Activity**

As Mediation providers, we do not hold data on Tribunal activity. It would be useful to have some insights on this if possible. For example;

- How many Appeals were registered in 2020-2021?
- Has there been an upward or downward trend in terms of numbers of Appeals? Nationally, the trend is upwards.
- Did any of the cases that went to mediation proceed to a full Tribunal Hearing?
- What percentage of LA decisions are upheld at Tribunal?

### **Quality Assurance**

We have a panel of highly experienced mediators, all of whom hold a SEND Accredited Mediator Certificate.

Our service is accredited by the Civil Mediation Council.

Our team were also part of the Department for Education's working group that helped develop the SEND Mediator Accredited Standards, so you can rely on our expertise.

We can tailor our service to meet your needs and can provide training for SEND Teams. Please contact us to discuss how we can meet your requirements.

### **Case Study- Disagreement Resolution in Action**

KIDS provide both Mediation and Disagreement Resolution Services. The following anonymised case study illustrates how our disagreement resolution services were used by a local authority to find a way forward with a family regarding a dispute over secondary transfer.

### **KIDS SEND Mediation Service Case Study – Disagreement regarding Secondary School Placement**

#### **Background:**

P is 11 years old and in Year 6. She has a diagnosis of autism and has an EHCP. She currently attends a specialist resource base at her primary school. She is due to move into secondary school in September 2021.

The Local Authority SEND Team contacted KIDS to request their impartial and independent support for a meeting with parents. KIDS explained that they could arrange a voluntary Disagreement Resolution meeting. Both the family and LA agreed to take part in DR to discuss secondary transfer for P.

The family's perspective: Parents were extremely disappointed that the Local Authority had not agreed either of the special schools that they had asked for. Both parental preference schools had said they were unsuitable because they do not offer the level of 1:1 support that P would need and that she would struggle to access their curriculum. Parents strongly disagreed with primary school about P's attainment levels, feeling that P was functioning at a much higher level than primary school were reporting. Parents felt that their requested schools had declined a place based on these incorrectly reported grades. The family had found the process of trying to secure the right school placement very upsetting and really hoped that their requested schools/the LA would change their mind. Parents believed the LA had placed too much weight on the primary school's view, without considering their perspective.

The LA's perspective: The LA had proposed 3 different specialist independent schools for children with autism. However, parents did not agree to explore any of these as they had concerns that they were not appropriate for P, would hold her back and were too far away. The LA were concerned that P was at risk of having no placement in September. The LA had explained to parents previously that the schools which parents had requested are for children with high functioning autism; these schools meet the needs of children who have an average underlying cognitive ability (no learning difficulties) and work within a mainstream curriculum. The LA position was that this is not P's profile and these school have, therefore, not offered a place. The LA hoped that parents would agree to explore other schools but discussions had not progressed.

## **The Disagreement Resolution Meeting:**

The DR Meeting was attended by two LA representatives who had authority to settle the dispute. Parents were supported by a representative from SENDIASS.

The mediator used a combination of joint meetings and separate, confidential sessions with the two parties. The separate sessions gave participants the opportunity to generate ideas and to reflect on each other's proposals. They also enabled the mediator to 'reality test' the arguments of both parties, and to explore the legal position.

The joint sessions allowed parties to share understanding with the help of the impartial mediator. For example, parents wanted to know why their requested schools would not be able to support P, given that she was successfully accessing the mainstream classroom for much of her day in primary school. The LA explained their legal obligation to ensure that any child is fully supported to access mainstream, regardless of their level of need, but that each special school has its own area of specialism so will only be suitable for particular pupils.

The mediator established some initial areas of common ground:

- Everyone wanted to work together to find a school that would meet P's needs as soon as possible.
- Parties were not as far apart as they initially thought in their thinking about the levels P is working at academically.
- A special school would be suitable for P (the LA said they could offer mainstream with a high level of resource support, but parents wanted a special school for P).
- The LA offered assurances to parents that one of the LA's proposed schools offered a GCSE curriculum, so attending this school would not limit P to a 'Functional Skills' curriculum.

Parties built on this throughout the meeting to reach written agreements, including:

- The LA would send consultations to 3 further special schools, which everyone was willing to explore. Parties felt that one of these in particular may be a good fit for P.
- The LA would secure and fund a report by an Independent (non-LA) Educational Psychologist. All parties felt that the independent EP view would assist to resolve the issue. Parents did not trust primary school but said they would accept the findings of an EP report regarding P's academic levels and any recommendations.
- The LA would continue to hold a place at one of the schools they had initially proposed. Parents were now open to exploring this and would arrange a visit.
- If parties cannot reach agreement on placement by the start of September, the LA would commission tutors to come to the family home as a short term home-education solution.
- Parties agreed a framework and timeline for communication and updating each other on their decisions.
- The LA agreed to reissue the EHCP to renew parents' right of appeal.

Before the DR meeting, both parties had felt 'stuck' and recognised that they were far apart from each other. Parties had acknowledged that it would be difficult to achieve a resolution and reconcile their positions. The DR process enabled them to agree several steps forwards, to re-establish a collaborative relationship/process and recognise that everyone was working together to find an agreed outcome that was right for P.

## **Evaluation of Service Delivery by Mediation Participants**

Service user feedback is important to us and helps us to continuously develop our service. All mediation participants are invited to complete online evaluation of the service received. On the whole, feedback has been very positive:

### **WHAT BENEFITS DID THE MEDIATION SESSION BRING?**

- *"I believe the mediator was very good and fair as he worked very professionally towards both views towards the School and parent's views"*- **Local Authority Representative**
- *"The media session helped me understand more about my child's needs and what help I can get for him and in school"* - **Parent**
- *"They helped me to understand and explained what is the outcome of my child's situation"*- **Parent**
- *"It helps to bring clarity and for all parties to listen to each other"* - **Education Provider Representative**
- *"A clear understanding of my child's needs, support in place and plan going forward"*- **Parent**
- *"Resolved very easily. First experience of mediation - very positive"*- **Education Provider Representative**
- *"A chance to hear and discuss everybody's viewpoints in the same place"* - **Education Provider Representative**
- *"Transparency"* - **Education Provider Representative**
- *"We were able to break down the barriers to the application and formulate a plan in which to proceed"* - **Education Provider Representative**
- *"The chance to support both school and home know that the LA had made the right decision not to proceed at the time and to make clear what next steps should be"*- **Local Authority Representative**

## HOW USEFUL WAS THE MEDIATION PROCESS?

- “*Somewhat useful*” - **SENDIASS** representative
- “*Extremely useful*” - **Local Authority** representative
- “*Extremely useful*” - **Parent**
- “*Extremely useful*” - **Education Provider** representative
- “*Extremely useful*” - **Parent**
- “*Extremely useful*” - **SENDIASS** representative
- “*Somewhat not useful*” - **Local Authority** representative
- “*Extremely useful*” - **Parent**
- “*Extremely useful*” - **Education Provider** representative
- “*Neutral*” - **SENCO**
- “*Somewhat not useful*” - **Education Provider** representative
- “*Extremely useful*” - **Education Provider** representative
- “*Neutral*” - **Local Authority** representative
- “*Neutral*” - **Education Provider** representative
- “*Somewhat useful*” - **Education Provider** representative
- “*Extremely useful*” - **Education Provider** representative
- “*Extremely useful*” - **Local Authority** representative
- “*Extremely useful*” - **Local Authority** representative

## WHAT DO YOU FEEL COULD HAVE BEEN DONE BETTER?

- “(a) *It would have been helpful to know why the mediation was called off and then we were informed it would take place after all. This caused some confusion and disruption. (b) As was her right, the parent wanted to use the breaktime for a private discussion which meant that we didn't all get a comfort break. It would have been good if the mediator had allowed time for this*” - **SENDIASS** representative
- “*Nothing, I was very happy with what was being explained to me*” - **Parent**

- *“Nothing really. Felt that one party at the mediation had an odd interpretation of the situation which was beyond my control” - **SENCO***
- *“Nothing within your powers but it took a long time for the interpreter to sort herself out around use of equipment” - **KIDS Portage Coordinator***
- *“KIDS to ensure that only relevant people (with current info) attend the mediation meeting. So that we can get to the point and discuss the issue without wasting time or having unnecessary distraction” - **KIDS Portage Coordinator***
- *“A few minutes to touch base with the mediator at the start before launching straight in and being on line with everyone at once” - **Local Authority representative***
- *“More input from the mediator during the meeting” - **Local Authority representative***
- *“Nothing. Everything was handled really well, the only reason I have given a 'neutral' response to the above question is because there was no resolution or change to the situation following the mediation process” - **Education Provider representative***
- *“Nothing in the practical process could be improved” - **Education Provider representative***
- *“Nothing that I can think off. Thank you very much to the Mediator for her professionalism” - **Local Authority representative***

## **DO YOU HAVE ANY OTHER COMMENTS THAT YOU WOULD LIKE TO SHARE WITH US?**

- *“Thank you for the professional service that you provide” - **SENDIASS representative***
- *“The meeting was very helpful for me and I'm very pleased with the help I got” - **Parent***
- *“Thank you all for your professionalism and expertise” - **Parent***
- *“The Mediator created an atmosphere that made all parties comfortable which helped facilitate a very productive dialogue. Clear actions were agreed and the parent expressed to me that she had a much better understanding of how her daughter was being supported and, on the way, forward (as a result of the mediation)” - **SENDIASS representative***
- *“Nothing else to share, just Thank You” - **KIDS Portage Coordinator***

- *“From the start they are there to support me what I want to support my child’s needs” - Parent*
- *“Mediation is odd; there's lots of talking but often one is left thinking that those who need to listen don't. So, is the process effective? maybe that's just the ones I've been to. but after each mediation, the emails or conversations that were happening before mediation resume by those parties who've instigated the process.” - Education Provider representative*
- *“The Mediator was professional and supportive to all parties attending. Thank you” - Local Authority representative*
- *“Thank you for your service” - Local Authority representative*

**Winner of the National SEND Mediation Award 2020**



**Thank you on behalf of all the team at KIDS SEND Mediation Service**

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