### **Mediation and Disagreement Resolution**

Wherever possible we want to enable issues and disagreements to be discussed and resolved at the earliest opportunity. To start with this may be an informal chat with a teacher, social worker or health professional. Schools, colleges and services will have their own published policies and/or guidance for addressing complaints and disagreements. The arrangements described below are not intended to replace these.

There may be instances where a more formal opportunity for meeting with those involved in supporting children and young people with special educational needs and/or disabilities is required.

These discussions would involve parents and carers, but may also involve the children and young people themselves, as appropriate.

There are two slightly different processes depending on the nature of the issue/disagreement, in line with the SEN Code of Practice. These are:

* disagreement resolution
* mediation.

### **Disagreement Resolution**

This is the process for exploring and addressing issues about any aspect of SEN provision, including health and social care disagreements. The child or young person does not have to have or be in the process of being assessed for an Education, Health and Care Plan (EHC), in order to access the disagreement resolution process. It is intended to provide a quick and non-conflicting way to resolve disagreements.

#### The provider of Disagreement Resolution Services for Redcar & Cleveland is:

#### Mediatelegal

#### [help@mediatelegal.co.uk](mailto:help@mediatelegal.co.uk) or

#### telephone is 01513633972

[send-mediation-disagreement-resolution-services-mediatelegal](https://mediatelegal.co.uk/send-mediation-disagreement-resolution-services/)

### **Mediation**

These are specifically focused on issues and disagreements relating to Education, Health and Care Plans and are independent mediation arrangements which parents and young people can use before deciding whether to appeal to the First-tier Tribunal (Special Educational Needs (SEN) and Disability) (‘the Tribunal’) and for health and social care complaints in relation to EHC plans. This includes where a request has been made for an assessment for an Education, Health and Care Plan and that request has been turned down by the Local Authority, decisions relating to the assessment process, the education provision (school) or needs described in an Education, Health and Care Plan.

**How to obtain mediation advice?**

A parent or young person wishing to appeal to the First Tier Tribunal about the education elements of EHC assessments and plans needs to obtain a certificate to demonstrate that they have at least considered mediation before the tribunal will accept their appeal. The certificate is issued by a mediation adviser, who can provide support and guidance to you about what can be appealed to tribunal.

You do not have to contact the mediation adviser prior to registering an appeal with the tribunal, if the appeal is solely about:

* the name of the school/college/other institution named in the EHC Plan
* the type of school/college/other institution specified in the plan
* no school or other institution is named.

Mediation advice is also not required where the disagreement is in relation to a disability discrimination claim.

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**Deciding whether to go to mediation or make an appeal to the tribunal**

Once you have received mediation advice, it is your decision whether you want to try mediation before making any appeal to the First Tier Tribunal.

The Special Educational Needs (SEN) code of practice makes it clear that people and young people will not be disadvantaged at the tribunal if they have chosen not to proceed with mediation.