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Barnardo’s

Special Educational Needs and Disability (SEND) Mediation Service



Mediation Services

Under legislation going to mediation is voluntary and free for parents /carers and young people however, the local authority must attend if requested.

* Mediation is about understanding the issues of the disagreement and trying to solve them.
* The local authority mostly base their decision on the written information provided. A face to face mediation meeting helps bring the child or young person to life.
* The mediator remains impartial; their role is to help all parties look at new ways of solving presenting issues.

***It is ESSENTIAL that the parent/carer or young person contacts the mediation service within 2 months of the local authority decision letter.***

What is Mediation?

Mediation is a free, informal, confidential, safe, friendly and voluntary process free to parents/carers, children and young people. The process is supported by an independent facilitator (mediator).

The Special Educational Needs and Disability Code of Practice puts parents/carers, children and young people at the centre of decision making with their needs.

Mediation Services

* The mediator will arrange the meeting at a neutral venue within 30 days of your request. We will confirm the meeting in writing.
* Following mediation a mediation certificate will be issued within 3 working days of the meeting.
* If parents/carers or young people are not happy with the outcome they have the right to lodge an appeal with tribunal to challenge the decision. They have 1 month from the date of certificate to do this.

Commonly asked questions...

**Q: How long is the initial mediation advice session and how it takes place?**

A: It usually takes 30 minutes and is completed by telephone. It is your opportunity to ask any questions you may have.

**Q: If I am not sure what decision to make can I think about it and ring back?**

A: Yes, it makes sense to take the time to decide what is right for you.

**Q: What happens to my tribunal appeal if my mediation meeting is out of the 2 month timescale?**

A: That is fine as long as you have contacted the mediation service within two months of receiving the local authority decision letter.



***Mediation does not stop you appealing to the first tier tribunal or affect your legal rights.***

Mediation Process

Parent/Carer/Young Person must contact Mediation Advisor to discuss that they wish to consider mediation within 2 months of the date of the LA decision letter.

Parent/carer/young person does not contact the mediation advisor

Parent/carer/young person is unable to appeal to SEND Tribunal

Mediation advisor gives advice on mediation and discuss the possible benefits of mediation and parent/carer/young person will make a decision if they wish to progress to mediation.

**Parents/Carers/Young People are informed of their right to mediation within the LA decision letter**

Where mediation takes place within 30 days the mediation advisor issues a certificate within 3 workings days of mediation being completed.

Mediation Advisor to inform Administrator to raise an invoice request

If unresolved issues remain after mediation is complete the parent/carer/young person has 30 days from being issued the certificate to register their complaint to the tribunal.

Where mediation does not take place with 30 days parent/carer/young person can choose to go straight to tribunal or wait for mediation to take place.

Mediation advisor must issue certificate within 3 working days, which enables the parent/carer/young person to register their appeal to tribunal.

LA has 30 days from the date they were informed by the mediation advisor of the parent/carer/young person’s wish to arrange a mediation session. Parent/carer/young person must be given a minimum of 5 days’ notice that mediation is to take place. Both parties need to agree attendees at the meeting.

Parent/carer/young person has 1 month from the date they received the certificate, or 2 months from the date they were informed of the LA’s decision to appeal to the SEND Tribunal, whichever date is the later.

Parent/carer/young person has chosen not to enter into mediation

Parent/young/young person has chosen to enter into mediation

Parent/carer/young person contacts the mediation advisor

**Exemption to Mediation:** The parent/carer/young person does not have to seek advice if his or her compliant is solely about the school named on the plan, or the fact that no school is named, or in cases of disability discrimination.