



A Guide to Mediation in SEND

RANi Need to Know Guides | Mediation, Tribunals and Appeals support Advisory sheet 1

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A detailed guide for Parents, Carers and Young Persons

What Is Mediation?

Mediation is a voluntary, confidential, and informal way to resolve disagreements between families and the local authority (or Integrated Care Board) about Education, Health and Care (EHC) needs assessments, plans, or provision.

It is led by an **independent trained mediator** and aims to help both parties reach an agreement without needing to go to a Tribunal hearing.

Mediation is not about taking sides—it's about **facilitating a conversation** that focuses on the child or young person's needs.

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When Can You Use Mediation?

You can use mediation if you disagree with the local authority about:

- A refusal to carry out an EHC needs assessment
- A refusal to issue an EHC plan
- The contents of an EHC plan (sections B, F, or I)
- A refusal to amend an EHC plan after review or reassessment
- A decision to cease to maintain an EHC plan
- Health or social care needs or provision in an EHC plan (as part of the Single Route of Redress)

You **do not need to consider mediation** if your appeal is only about the **school or setting named in Section I** or about **disability discrimination** in a school or college.

What Is the Legal Requirement?

Before you appeal to the SEND Tribunal (except in the situations above), the law requires you to contact a **mediation adviser** to consider mediation. You are **not required to take part** in mediation—just to consider it.

The mediation adviser must issue a **Mediation Certificate**, which you'll need to include with your appeal whether or not you choose to go through with mediation.

Who Provides Mediation?

Local authorities must have arrangements in place with a **mediation service** that is:

- Independent of the local authority

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- Free of charge to families
- Trained and experienced in SEND mediation

Your local SENDIASS or the local authority website will tell you which provider to contact.

What Happens in Mediation?

Step-by-Step Overview:

1. Contact the Mediation Adviser

- Usually via phone or online.
- Discuss whether mediation is right for you.
- Receive a **Mediation Certificate** immediately if you decide not to go ahead.

2. Arrange a Mediation Session (if you choose to proceed)

- The mediation service will organise a date, usually within **30 calendar days**.
- The LA must attend; you can bring someone with you (advocate, friend, SENDIASS, solicitor).

3. Prepare for the Meeting

- Think about the issues you want to raise and what outcomes you are seeking.
- Gather any supporting documents (reports, letters, etc.).

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4. Attend the Mediation

- The mediator will explain the process and help guide the conversation.
- You'll each get a chance to speak and explore possible solutions.

5. After Mediation

- If an agreement is reached, it is recorded and shared with both parties.
- If the LA agrees to take further action (e.g., issue or amend an EHC plan), they must do so promptly.
- If no agreement is reached, you can still appeal to the Tribunal.

Benefits of Mediation

- ✓ **Faster** than waiting for a Tribunal hearing
- ✓ **Less formal** and often less stressful
- ✓ **Focuses on solutions**, not blame
- ✓ **Opportunity to clarify misunderstandings**
- ✓ **Preserves relationships** with the local authority and professionals
- ✓ Can lead to better **co-produced plans and support**

Mediation for Health and Social Care Disagreements

If your dispute is also about **health or social care sections** of an EHC plan, mediation can include:

- A representative from the **Integrated Care Board (ICB)** (for health)
- A representative from **Children's or Adult Social Care**

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You must still get a **mediation certificate** before asking the Tribunal to make **non-binding recommendations** on these parts of the plan (under the Single Route of Redress).

Do I Still Have the Right to Appeal?

Yes. Mediation is **voluntary**, and using it **does not take away your right to appeal** to the SEND Tribunal.

You can:

- Use mediation **instead of appealing**, or
- Use mediation **before appealing**—if it doesn't resolve the issue, you can still go to Tribunal.

You must submit your appeal to the Tribunal within:

- **2 months from the LA decision letter**, or
 - **1 month from your Mediation Certificate**—whichever is later.
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Who Can Support Me?

You can take someone with you to the mediation meeting, such as:

- RANi - adviser
- A **SENDIASS adviser**
- A **friend, family member or advocate**
- A **legal representative or solicitor** (not essential)

They can help you feel confident, stay focused, and ask questions on your behalf.

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Summary Checklist

Task	Details
Contact mediation adviser	Required before SEND appeal (except Section I-only or discrimination)
Decide whether to participate	Optional, but encouraged
Receive Mediation Certificate	Mandatory to submit an appeal
Schedule mediation (if proceeding)	Within 30 days; LA must attend
Prepare your case	Identify concerns, gather evidence, consider outcomes
Attend mediation	Independent, informal, and solution-focused
Appeal if unresolved	Tribunal remains open as next step

Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information
- **Your Local Authority's Mediation Service**
- **National SEND Mediation Providers** (e.g., KIDS, Global Mediation, Mediatelegal)
- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org
- **IPSEA** – Independent Provider of Special Education Advice: www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children: www.contact.org.uk

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

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Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

Get in Touch

If you need more information or have a question, we're here to help.

Email us: info@rani.org.uk

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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