



Disagreement Resolution and Mediation Services: A Detailed Guide

RANi Need to Know Guides | Mediation, Tribunals and Appeals support Advisory sheet 6

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Supporting families and young people with SEND through conflict resolution

What This Guide Covers

When disagreements arise between families and local authorities (LAs), schools, or other professionals about special educational needs and disability (SEND) provision, it can feel stressful and confusing. Fortunately, there are **legal routes and services available** to help resolve these disagreements.

This guide explains:

- What disagreement resolution and mediation are
- When and how to use them
- Legal rights and responsibilities

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- How these services work in practice
 - What happens if resolution is not achieved
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What is Disagreement Resolution?

Disagreement resolution is a **voluntary, informal, and confidential process** designed to resolve disputes between parents/young people and:

- Local authorities (LAs)
- Early years providers, schools, or post-16 institutions
- Other SEND service providers

It covers **any aspect of SEND support**, including:

- How a child or young person's needs are identified
- What SEN provision is made
- How the provision is delivered
- How professionals work with the family

Disagreement resolution can be used **at any time** — whether or not you intend to appeal to the SEND Tribunal.

What is Mediation?

Mediation is a **more formal legal process** that focuses on disagreements involving:

- Education, Health and Care (EHC) needs assessments

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- EHC plans (including their contents or decision not to issue one)
- Amendments or decisions to cease an EHC plan

Mediation is offered **after a decision by the local authority (LA)** which parents or young people disagree with, such as:

- Refusing to assess
- Refusing to issue a plan
- Issuing a plan that does not meet the child/young person's needs
- Naming an unsuitable school or setting
- Ending (ceasing to maintain) a plan

Before you can appeal to the SEND Tribunal in these cases, you must **consider mediation** — unless your appeal only concerns the school or college named in Section I of the EHC plan.

You do this by contacting a **mediation adviser**, who will explain your options and provide a certificate either confirming:

- You've taken part in mediation, or
- You've chosen not to and want to go straight to Tribunal

Legal Framework

- **Children and Families Act 2014**
- **SEND Code of Practice 2015** (especially Chapters 11 and 12)
- **The Special Educational Needs and Disability Regulations 2014**

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The law requires every local authority in England to:

- Provide access to **independent disagreement resolution services**
 - Provide access to **independent mediation services**
 - Inform parents and young people of their rights to use these services
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What Can Be Resolved?

Type of Dispute	Use Disagreement Resolution?	Use Mediation?
Issues with SEN support in school	✓ Yes	✗ Not applicable
EHC needs assessment refused	✗ Not usually	✓ Yes
EHC plan refused after assessment	✗ Not usually	✓ Yes
Contents of an EHC plan	✗ Not usually	✓ Yes
Ceasing to maintain an EHC plan	✗ Not usually	✓ Yes
Health or social care sections of a plan	✓ Yes	✓ Yes (under the Single Route of Redress)

Mediation and the SEND Tribunal

After considering mediation, if you still wish to challenge a decision, you may be able to take your case to the **First-tier Tribunal (SEND)**.

You **must** contact a mediation adviser to get a certificate **before** lodging your appeal (unless your appeal is only about placement).

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If you do choose to try mediation, it must be arranged **within 30 days** of contacting the adviser, and the LA must attend.

What Happens During Disagreement Resolution or Mediation?

The Process:

1. **Initial Contact** – You contact the mediation or disagreement resolution provider.
2. **Case Review** – The provider speaks to both sides and arranges a suitable time and place.
3. **The Meeting** – You meet with the LA/school and the independent facilitator.
4. **Resolution or Outcome** – Solutions are agreed if possible. Mediation agreements can be written and shared.

Key Features:

- **Voluntary** (except the duty to consider mediation)
 - **Confidential** – nothing said can be used later in Tribunal unless both sides agree
 - **Impartial** – facilitated by a trained, independent mediator
 - **Free of charge** – funded by the LA
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Who Can Use These Services?

- **Parents or carers** of children with SEND

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- **Young people aged 16–25** with SEND
 - **Schools or early years settings** in dispute with LAs (in some cases)
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Mediation and Mental Capacity

Young people aged **16 or over** are presumed to have the capacity to make decisions about mediation or disagreement resolution themselves. However, they may request support from a parent, advocate, or representative.

If the young person **does not have capacity**, their parent or representative can make decisions on their behalf in their best interests.

Choosing a Mediation Provider

Each local authority must publish details of:

- Its chosen **independent mediation provider**
- How to contact the **mediation adviser**
- How to access these services via the **Local Offer**

You do **not** have to use the LA's chosen provider, but it is usually the most straightforward route.

Things to Remember

- You do **not have to agree** with the LA in mediation or disagreement resolution
- If no agreement is reached, you still have the right to appeal (if eligible)

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- These services can **help preserve relationships** and resolve issues quickly
- The focus is on the **child or young person's needs**, not assigning blame

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
- **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

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

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