

# Reading Families' Forum

*A voice for families of children and young people with special educational needs and/or disabilities*

## COFFEE MORNING 16<sup>th</sup> DECEMBER 2020 VIA ZOOM

**Susanna Diegel, Regional SEND Mediation Manager at KIDS** joined seven parent carers, including Reading Mencap, to discuss mediation in Reading.

**KIDS is a national charity who provide independent mediation in Reading** for families of children and young people aged 0 – 25. They have wide experience of Special Educational Needs and Disability (SEND) as they also provide short breaks and adventure playgrounds for disabled children.

Parents who have used KIDS mediation in Reading so far have found this positive. Nationally, 97% of families are happy with the KIDS mediation service.

**Mediation is statutory.** the Local Authority have to offer an independent mediation service and tell families about this in their decision letters about Education, Health and Care assessments and plans.

**Mediation can be used for** disagreements about whether the Local Authority decide to complete an Education, Health and Care assessment (needed before an Education, Health and Care Plan – EHCP- can be agreed or not), whether the Local Authority decide to issue an EHCP after the assessment and the content of the final EHCP.

Before families can opt for mediation or the tribunal, in most cases they have to receive Mediation Information Advice from KIDS (MIAS). This has to be accessed within 2 months from the LA decision letter. MIAS is arranged for families at a date and time that suits them, including out of hours and on Saturdays. It is usually delivered on the phone and takes about 20 minutes. MIAS gives full information about your options including mediation and tribunal and you can ask as many questions as you like.

Disputes about the health and/or social care in the EHCP can also go to mediation. To go to tribunal, there must be a disagreement about the education part as well.

Any other disagreements will need to go to dispute resolution, such as a disagreement relating to the child's provision at school.

[Mediation | KIDS](#)

Only 5% of Local Authority decisions are disputed. Is this because families are happy with decisions or resigned to / accept what the Local Authority decide?

Reading's Independent Advice and Support Service for Special Educational Needs can advise about obtaining support at school and about tribunals. They can also help put an appeal together with the family.

[Home - Reading Information, Advice and Support for SEND \(readingiass.org\)](http://readingiass.org)

**[www.readingfamiliesforum.co.uk](http://www.readingfamiliesforum.co.uk)**

Registered Charity No. 1166585

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**Applying for Mediation** - Families must request mediation within 2 months of the Local Authority decision letter. You do not need a referral, just ring or email KIDS mediation. If you are not sure whether your dispute is for mediation or disagreement resolution, the team at KIDS will explain it fully.

Schools and LA can refer families, but KIDS will ask the parent carer or young person over 16 to confirm the referral and the decision to have mediation.

Mediation is free and the Local Authority should refund costs such as transport and childcare. Most mediations are local either at the education setting if all agree or a neutral venue.

Families are encouraged to bring a supporter with them.

KIDS encourage children to attend, at least for part of the meeting, but this is ultimately the family's decision. Over 16s should be included where possible as the legislation applies to them directly.

If the family decide to go to tribunal and not mediation, KIDS will send a mediation certificate within 3 working days.

**What happens if a family decides to go to mediation** - KIDS have 3 working days to inform the Local Authority of a request for mediation and 30 calendar days to arrange a meeting (except for school holidays or at parents' request). Parents can still go to Tribunal if they are not happy with the outcome of mediation. (There is currently an approximate 5 month wait for tribunal hearings but this can vary and you might wish to check with Reading IASS.)

Local Authorities must attend mediation, if the family opt for this route, and someone has to attend who can decide at the meeting unless there is a substantial amount of new information presented by the family or others on the day.

All KIDS mediators are especially accredited for SEND. They are impartial and will not give opinions or make judgements. They will contact the family beforehand to help them prepare for the meeting and manage the meeting, keeping the child's needs paramount. At present, all mediation meetings are done online – for example via Zoom. The mediator will check with the family what works best for them.

Discussion at mediation is confidential, only the mediation agreement at the end is shared. This agreement specifies who has agreed to do what. If the decision is to do an Education, Health and Care assessment the Local Authority have 14 weeks to complete the assessment and either issue and Education, Health and Care Plan (EHCP) or decide not to issue an EHCP. You can go to mediation at every step of the EHCP process if that should be necessary.

After mediation, the family will be issued with a mediation certificate and they have 30 days to lodge an appeal at tribunal, if they wish to do this. This is to ensure that at no time the family loses the right to make a tribunal appeal.

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**Any questions** – contact KIDS

## **When and how to apply for an EHC needs assessment**

Schools should follow the graduated response documents on the Local Offer, putting in support tailored to the child without an EHCP.

[Graduated Response Documents for Early Years & Schools | Reading Services Guide](#)

Families do not have to wait for two cycles of Assess, Plan Review and Do recommended in the graduated response documents – they can still apply for an ECHP if they feel that their child needs it. If a child's needs are severe or complex or is about to go through an important transition such as in Year 5 getting ready for secondary school, this will be particularly important to consider. Other parents can be a good source of advice and support such as SEND Carers' United, Fifi's Vision as well as IASS.

**Next coffee morning: Friday, 29<sup>th</sup> January 2021 10:30 – 11:45 with Jane Wooldridge, Learning Disability Liaison Nurse at the Royal Berkshire Hospital regarding the Mental Capacity Act.**

To book email [fran.morgan.rff@gmail.com](mailto:fran.morgan.rff@gmail.com)

RB 05/01/21

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