

Mediation

This factsheet explains:

- what mediation is
- when you can use mediation
- how mediation can help
- how mediation works.

What is mediation?

Mediation is when a neutral and independent third person (a mediator) helps those involved in a disagreement to come together and agree on the best way forward.

Additional support for learning mediation is a voluntary process between parents (or young people aged 16 or over) and the school, nursery or local authority. It can help rebuild relationships and communication by focusing everyone on the best interests of the child or young person.

The law says that local authorities must offer independent mediation services to try to resolve disagreements about additional support for learning. Mediation is always free of charge to parents and young people.

When might I need mediation?

You will be able to resolve most disagreements about your child's additional support for learning by working with the school, nursery or local authority. The school or nursery should involve you fully in discussions and decisions about your child's education and support. The school or nursery and local authority should take account of your views and work with you to make sure your child has the support they need.

If communication breaks down and you are not able to reach an agreement with the school, nursery or local authority, you have the right to ask for independent mediation.

You can use mediation at any time and for any aspect of a disagreement about additional support for learning. You can also use it more than once if needed.

Some examples of issues that mediation might help with are:

- the level of provision of additional support
- the way in which support is provided
- the content and delivery of learning support plans, including co-ordinated support plans (CSPs)
- disagreements about your child's school placement
- a breakdown in the relationship between you and the school, nursery or local authority.

How can mediation help?

Mediation can open communication and help everyone involved to look at the issues, explore options and come to a workable solution. This promotes good relationships and helps to make sure everyone involved has a chance to explain what they want and to listen to other points of view. It can be much easier to resolve problems, and avoid new ones, by talking things through as early as possible.

Your child's views must be considered as part of the mediation process. Mediation can help everyone to focus on finding a positive way forward that is in your child's best interests.

It can be helpful to try mediation before going down more formal or legal routes, such as making a complaint against the local authority, using independent adjudication or making a reference to the Additional Support Needs Tribunal. This is because the mediation process allows you to take part in the decision-making, rather than having someone else make the decision for you. It can also help rebuild difficult relationships and make it easier to work together in the future.

However, using mediation does not affect your rights to use any other routes for resolving disagreements, so if it is not successful you can still pursue other options.

What do I need to do during mediation?

You will need to openly discuss the issues concerning your child's education and support by sharing any information you think is important and relevant. You must also be prepared to listen to the views of the other people involved and consider all options for finding a way forward.

What is the mediator's role?

A mediator is a trained, independent and neutral person who will:

- work with schools, nurseries, local authorities and families to help them avoid and resolve disagreements
- help communication and encourage mutual understanding
- help everyone involved reach the outcomes or agreements themselves
- establish a basis for effective parent-professional partnerships.

A mediator does not:

- make decisions or recommend solutions
- represent a parent, child or young person, school, nursery or local authority.

What happens in mediation?

During a mediation session, the mediator will make sure each person gets an opportunity to talk about their concerns and is listened to. Sometimes past issues may be relevant, but the focus should be on the current situation and finding the most appropriate outcome for your child.

Where will mediation take place?

The mediation service will identify a neutral venue. It should be somewhere that is easy to get to for everyone who needs to attend.

How do I find out who provides mediation in my area?

Your local authority must publish information about the mediation services they use. This information should be available on your local authority's website, or you can contact them to find out. You can also find out who provides mediation in your area on our website: www.enquire.org.uk/service/service_types/asl-mediation-services or by contacting our helpline.

The mediation service for your area will be able to answer your questions and give you more information about mediation.

How do I request mediation?

You can make a request for independent mediation to the local authority. It is usually best to do this in writing.

You can also contact the mediation service for your area and ask them to begin the process. The mediation service will then contact the local authority to let them know that you would like to try mediation and find out if they will agree to it.

Mediation is a voluntary process so the local authority does not have to agree to your request. For example, they may feel the issue you raise is not suitable for mediation or could be resolved in a different way. However, the local authority will also be keen to find a solution without going through formal or legal processes, so will usually be willing to try mediation.

What if mediation does not work?

If you try mediation and feel like your issue has not been resolved, there are other things you can try. This can include things like making a formal complaint or requesting independent adjudication. Find out more in our factsheet on [Avoiding and solving problems](#).

You can also use mediation more than once, or for different aspects of a disagreement.

Where can I find out more?

Scottish Mediation Network www.scottishmediation.org.uk

The Scottish Mediation Network can provide general information about mediation.



How Enquire can help

Enquire can help you understand your child's rights to additional support for learning and how to work in partnership with their school or nursery to make sure your child gets the support they need.

Enquire can:

- explain your child's rights to additional support for learning
- listen to any questions and concerns
- advise you on the way forward
- help you find local education and support services.

You can contact our helpline on **0345 123 2303** or **info@enquire.org.uk**
Access to interpreters is available.

You can also find lots more information about additional support for learning, including our full range of publications, at **www.enquire.org.uk**

The information on our website is available in over 100 languages and with a range of accessibility tools, such as text-to-speech.

Reach, as part of Enquire, provides advice and information for children, parents, carers and professionals about children's rights to additional support for learning: **www.reach.scot**

Enquire is also a partner in the My Rights, My Say service. My Rights, My Say supports children aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school:
www.myrightsmysay.scot

Enquire factsheet: Mediation

© Enquire August 2021

Enquire is funded by the Scottish Government and managed by Children in Scotland



Scottish Government