



Somerset

Special Educational Needs & Disability
Information, Advice & Support
(SENDIAS)

A Young Person's Guide to Disagreement Resolution & Mediation

What to do if you are not happy with decisions made about your special educational needs and/or disability.





What is this leaflet about?

Sometimes you may disagree with the people who support you and decisions they make about your support, or you may not be happy about what they say or do.

This leaflet gives you information about what you can do if you do not agree with decisions related to your special educational needs and/or disability (SEND).

This leaflet also gives you information about people who can help you.





Important words

Important words in this leaflet are explained below:

Annual Review

An Annual Review must take place at least once every 12 months. This looks at how you are getting on with the help and support you receive.

Appeal

An appeal is what someone does when they want to try and change a decision about their SEND needs or support that they do not agree with.

Child

A child is aged under 16 years of age. This includes babies and infants.

Children & Families Act 2014

This is the law to help make things better for children and young people. It includes better support for those with SEND, especially their education, health and social care needs.

Clinical Commissioning Group

A group that decides which health services are needed in a local area and is responsible for providing those services.

Disagreement

A difference of opinion between people e.g. between a local authority and a young person or a parent carer.

Disagreement resolution

A way to help try and fix disagreements between people.

Education, Health & Care Needs Assessment

This assessment looks at the extra help children and young people with SEND might need in their life. This includes getting reports from different services who help and support a child or young person.

Education, Health & Care Plan

An Education Health and Care Plan is a document which says what help a child or young person who has SEND should get and how they should get this help. This used to be called a Statement.

Local authority

This is the organisation of people who look after services in a local area, including services to support children and young people. Somerset County Council is the local authority responsible for education and social care services in Somerset.

Local Offer

A Local Offer is published information about the support and services available for children and young people with SEND, and their families.

Mediation

Mediation is a meeting to help people who disagree about something, like the support someone gets. Mediation helps people to find agreement. Someone from a mediation service helps with this meeting.

Parent carer

A parent carer is someone who has a parenting and caring responsibility for a child or young person. Often they are a mum or dad but some children and young people are looked after by other people who act as parents. This could be:

- a grandparent
- a brother or sister
- a carer.

Post-16

Post-16 provision is a sixth-form, further education college or training provider for young people aged 16 and over who have completed compulsory school education.

SEND

Special Educational Needs and Disability

SEND Casework Officer

Someone who manages the process for Education, Health and Care Needs Assessments and Plans.

SENDIAS

An information, advice and support service about SEND for parent carers, children and young people (aged 0 - 25).

Special Educational Need & Disability (SEND) Tribunal

The Special Educational Needs and Disabilities Tribunal is a court that listens to appeals and decides if a decision should be changed.

Transfer Review

The process of moving information about a child or young person's SEND from a Statement to an Education, Health and Care Plan. A Statement was the document which described a child or young person's needs and support before the Children and Families Act (2014).

Young person

A young person is aged 16 to 25.

Disagreement resolution and mediation services

All local authorities must provide independent disagreement resolution and mediation services.

These services can help young people or their parent carers when they disagree with the local authority or another service providing SEND support. This could include schools, colleges or post-16 provision.

Global Mediation is the independent service providing disagreement resolution and mediation services for young people and parent carers in Somerset.

Global Mediation



0800 064 4488



sen@globalmediation.co.uk



www.globalmediation.co.uk



You can also find out more information about **Global Mediation** on **Somerset's Local Offer**.

Somerset's Local Offer



www.somersetchoices.org.uk

What is disagreement resolution?

Disagreement resolution services help to sort out problems where people do not agree with the support for a child or young person who has SEND.

Everyone involved, for example you or your parent carer, the school or SEND Casework Officer must agree to go ahead with disagreement resolution.

The service may be used for disagreements about;

- SEND provision for a child or young person;
- schools and post-16 settings providing SEND support;
- health or social care provision which is part of an EHC Needs Assessment.



The service can also be used:

- during EHC Needs Assessments;
- while EHC Plans are being written;
- while waiting for SEND Tribunal appeals;
- during Annual Reviews or Transfer Reviews;
- during re-assessments.



What is Mediation?

Mediation can help young people and their parent carers who are unhappy with decisions:

- not to carry out an EHC Needs Assessment or re-assessment;
- not to issue an EHC Plan after an EHC Needs Assessment;
- about the information in parts B, F or I of your EHC Plan
 - B - your special educational needs
 - F - your educational support
 - I - name and type of school or post-16 setting;
- not to change an EHC Plan after an Annual Review or re-assessment;
- to stop maintaining an EHC plan.

You can make an appeal to the SEND Tribunal about these decisions.

The local authority (Somerset County Council) must tell you about mediation services and give you information about Global Mediation when they tell you the decision they have made about your EHC Needs Assessment or Plan.

Mediation process

If you wish to make an appeal with the SEND Tribunal, you need to contact **Global Mediation** first to get advice about the mediation process. You can then choose to have mediation or not.

Choosing to have mediation

If you **do choose** to have mediation then someone from the local authority who can make a decision, or someone from the Clinical Commissioning Group must take part in the mediation.

Someone from **Global Mediation**, known as an independent mediator will arrange and manage the meeting.

When the meeting has finished the mediator will send you a certificate. If the meeting has not been successful and you still want to make an appeal to the SEND Tribunal, you can.

To do this, you will need the certificate to say that you have had mediation but it has not been successful and you would now like to make an appeal.

Choosing not to have mediation

If you choose **not to have** mediation before you appeal to the SEND Tribunal, you need to get a certificate from **Global Mediation** to say you have considered mediation.

SENDIAS or Global Mediation can provide information to help you decide if mediation is a good choice for you.

Appeals

If after considering disagreement resolution and/or mediation you are still unhappy, you can make an appeal to the SEND Tribunal.

You or your parent carer can appeal to the SEND Tribunal about:

- a refusal to assess your EHC Needs;
- a refusal to re-assess your EHC needs;
- a refusal to write an EHC Plan;
- a refusal to change an EHC Plan;
- a refusal to maintain an EHC Plan;
- EHC Plan - Section B (your EHC needs);
- EHC Plan - Section F (your educational support);
- EHC Plan - Section I (name and type of school or post-16 setting);

Exceptions

You can make an appeal to the SEND Tribunal without considering mediation first if the appeal is only about Section I:

- the school, or college named in the EHC Plan;
- the type of school or college in the EHC Plan;
- no school or post-16 setting being named.

Disability Discrimination

You can also appeal about discrimination against you (because of your disability) by a school or local authority. You do not need to get mediation advice if your appeal is about a disability discrimination claim.

Appeals by young people

Young people can make an appeal if they are over 16 years of age and under 25. You must also be either:

- in education, for example at a school or college - or trying to get into one
- taking part in an apprenticeship, internship or workplace scheme - or trying to get into one

You can also appeal if you're in custody e.g. a prison or young offender institution, if you are aged over 16 but under 18.

You cannot appeal if you're studying at university, or trying to get into one.



All appeals must be made within **2 months** of the date of the local authority's decision letter or **1 month** from the date of the mediation certificate - whichever is later.



Where can I get more information, advice or support?

Somerset's Local Offer

For information and local services

 www.somersetchoices.org.uk

First-tier Tribunal

(Special Educational Needs and Disability)

1st Floor, Darlington Magistrates Court
Parkgate, Darlington DL1 1RU

 01325 289 350

 sendistquiries@hmcts.gsi.gov.uk

*Help
needed*

You can find the SEND Tribunal forms for making an appeal at:

Form SEND24a - EHC appeal form for young people making an appeal (aged 16 - 25).

Form SEND28a - EHC appeal form for young people in youth custody (aged over 16 but under 18).

Form SEND24 - EHC appeal form for parent carers or those with parental responsibility of a child or young person (aged under 16).

Somerset SENDIAS

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Working together for equalities

This document is also available in Braille,
large print, tape and on disc and we can
translate it into different languages.



RNID typetalk

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