

Factsheet 7

What is mediation?

A mediator is an impartial person who should not take sides or make decisions. They are involved simply to facilitate discussion and to make sure that everyone involved is treated fairly.

Mediation is one of the new features brought in by the Children and Families Act 2014. It is a free, informal voluntary process to help resolve disagreements between parents or young people and local authorities (LAs) and other Services over any element of the Education, Health and Care (EHC) plan.

This new requirement of mediation now applies in most cases where a parent or young person wishes to appeal to the Special Educational Needs and Disability (SEND) Tribunal against certain decisions of the LA regarding an EHC needs assessment or plan. The only exception is for an appeal solely against the school named in the plan.

If a parent or a young person does not want to take part in mediation they have to obtain a mediation certificate to show that they have been informed of mediation but have decided against it. If a parent or young person does take part

in mediation and it is not successful they will need a certificate to show that they have participated before progressing to the Tribunal.

