

Essential Mediation

resolution wrapped up

Disagreement
Resolution for Parents,
Young People, Schools,
Post 16 Providers and
Local Authorities



independent
impartial
confidential

www.essentialmediation.co.uk

At a time of increasing legal challenges and as the costs of litigation become prohibitive, mediation is becoming an increasingly popular and important method of dispute resolution.

Essential Mediation is a specialist practice that provides independent, impartial and confidential disagreement resolution services in the form of mediation to assist in the resolution of disputes that arise between parents, young people, schools, post 16 provides and local authorities. We provide general disagreement resolution services to assist with the resolution of disputes outside of an appeals process, as well as specific pre-tribunal meditation once a parent or young person has indicated an intention to lodge an appeal.

Essential Mediation can provide local authorities with a range of packages to suit their individual mediation requirements which includes disagreement resolution services and pre-tribunal mediation.



What is disagreement resolution/mediation?

Mediation is one of the main forms of disagreement resolution. It is a voluntary, confidential process where people involved in conflict are helped by an independent specialist mediator to resolve their problems collaboratively. The goal of mediation is for the parties to speak with each other in an open and honest manner to try and reach a resolution that is acceptable to all parties in dispute.

The mediator uses techniques to facilitate communication, problem solving and negotiation between the parties in a safe and constructive environment, and deploys them from a position of independence and neutrality making progress possible.

The mediator never takes sides or tells the parties what to do, but helps the participants reach a solution that they are happy with which is then drawn up into a written agreement.

Education Disputes

The Government requires all local authorities to provide an independent disagreement resolution service to help when parents/carers, young people, schools, post 16 providers and the local authority have a disagreement about a young person's educational needs and entitlement.

The disagreement resolution service is delivered in accordance with the requirements of the Special Educational Needs and Disability Act 2001, the guidance set out in the current SEN Code of Practice (2001) and in preparation for the new legislation arrangements. This means that you can be assured

that our service is delivered to nationally recognised standards and in accordance with legislation and guidance.

We are skilled in mediating disagreements in the following areas:

- Parental and/or young person's complaints;
- Bullying disputes;
- Exclusions;
- Parental and/or young person's disputes with schools/post 16 providers and local authorities regarding provision;
- Special Educational Needs disputes between parents, young people, schools and local authorities;
- Claims of Disability Discrimination.

Where there is an ongoing relationship, mediation can be particularly important in ensuring that disputes are resolved in such a way as to enable the parties to continue working together.

Mediation can be applied at any stage in the life of a disagreement, for example when:

- A serious difference arises which cannot be resolved directly between the individuals concerned, but they agree that a facilitated discussion is likely to be helpful;
- A grievance has been raised which, if not resolved, will lead to the need for formal procedures to be started;
- Parents are refusing to send a child to school;
- Legal proceedings are threatened;
- Legal proceedings have been issued

Essential Mediation is committed to promoting mediation as a viable alternative to the excessive personal cost in stress, time and money caused by unnecessary litigation, lack of effective communication and unresolved conflict.

How can mediation help?

This process:

- Ensures the relevant people and information are brought together;
- Provides a safe, secure environment to allow communication to take place freely;
- Focuses people on the issues and needs;
- Helps overcome deadlock and emotional blockages;
- Assists the negotiation and makes all parties part of the solution;
- Rebuilds and safeguards relationships.



What is the mediation process?

Following initial contact from one or both of the parties the mediator will contact the parties by telephone to introduce him / herself, to ascertain a brief outline of the dispute(s), to set a date for the mediation day and deal with any preliminary queries.

A proposed Mediation Agreement form will be prepared and circulated to the parties for approval. Each party will be invited to provide the mediator with a summary of the issues in dispute along with any other relevant documents so that the mediator can have some background information prior to the mediation day itself.

The mediation day usually starts between 09.00 and 10.00. There is no formal structure to the mediation day, unlike that of a tribunal or court hearing. The day will normally begin with an individual meeting between the mediator and each party when the mediation agreement is signed (if not already) and the format of the day is discussed. Normally this is followed by a joint meeting at which time each party sets out their views on the dispute and the mediator can confirm the ground rules and establish an agreed way of working forward.

Throughout the course of the day, the amount and type of meetings will vary according to the needs of the parties and the organisation which the mediator believes will be most effective. The mediation will continue until either a resolution has been reached, the parties agree to take a break and resume on another occasion, or one party chooses to abandon the mediation process.

Why appoint us

At Essential Mediation, we feel that we provide an alternative to the mediation services currently offered and can provide:

- Mediators who have worked directly within the education legal framework and understand the complexity of the issues from the perspective of parents, the local authority and the school;
- Mediators who have direct experience working with parents, schools, and professionals;
- A process facilitated solely by a mediator and not an administrative assistant.

Services we provide

At essential Mediation we provide a fully inclusive mediation and disagreement resolution service which includes:

- Individual mediations and disagreement resolution meetings;
- The provision of dedicated and specialist mediators with experience of the SEN framework and an understanding of the legal framework;
- The administration of the mediation process, including arranging a suitable and accessible venue, contact with the parties before and after mediation and drafting a mediation agreement;
- Mediation telephone information line;
- Mediation information pack for parents, schools and local authority officers;
- Mediation and disagreement resolution services delivered through specialist packages;

Mediation Packages

In educational disputes, local authorities are required to provide and fund independent mediation and disagreement resolution services for parents and young people.

Essential Mediation offers local authorities a range of packages to suit their individual requirements;

- Gold;
- Silver;
- Bronze;
- Individual mediation and disagreement resolution sessions;
- Mediation telephone information service.

Local authorities can subscribe to one of our packages either as an individual local authority or in collaboration with other local authorities so that the expense can be shared.





If you would like further information regarding the cost of mediation and the subscription packages on offer then please contact us by email: admin@essentialmediation.co.uk or call: 01908 246023

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