

# FULL OF LIFE MINI GUIDE MEDIATION

THE MEDIATION PROVIDER IS INDEPENDENT OF THE LOCAL AUTHORITY, AND TAKING PART IN MEDIATION IS FREE OF CHARGE.

## WHAT IS MEDIATION ?

Mediation is a form of disagreement resolution that is less formal than a court of law. The 2014 Children and Families Act brought in a requirement for those intending to appeal to the SEND Tribunal to consider mediation before submitting their appeal application. This is to encourage a resolution between parents and local authorities in a less formal and less adversarial way.

When you submit your SEND appeal paperwork, will be asked to provide a mediation certificate to demonstrate that you have either participated in mediation or considered it. You will need to obtain a mediation certificate by contacting the Mediation Provider. Details of the Mediation Provider must be included on all of the decision letters sent by local authorities. The Mediation Provider is independent of the local authority, and taking part in mediation is free of charge. Taking part in mediation does not affect your right to pursue a SEND Tribunal Appeal.

If you decide to participate in mediation, you will receive a certificate to demonstrate that you have done so. If you decide not to enter into mediation, you will still need to have a telephone discussion with the Mediation Provider, who will send you a certificate which you can include with your tribunal application.

Taking part in mediation won't always be successful, but some cases are resolved this way.

Some possible benefits of mediation:

- It can give you an opportunity to have an open and thorough discussion about the issues involved and your reasons for wanting the EHC Plan or the changes you are asking for in the plan. You may gain a better understanding of the local authority's point of view.
- You may gain more time to submit your appeal.

If you reach any agreement with the local authority during mediation be sure to get it all written down, including all of the specifics.

The local authority will have to fulfil the agreements they have made during mediation; failure to do so is unlawful. Before taking a decision about whether to proceed to Tribunal following mediation, make sure that the Local Authority have followed through on the promises they made during mediation.

There are specific time limits that the local authority will have to take action on the agreed points following mediation. These will be made clear during the mediation session.



Please contact us on 0208 962 9994  
or email [info@fulloflifekc.com](mailto:info@fulloflifekc.com)

Kensal House Annex  
379 Ladbrooke Grove  
London  
W10 5BQ

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