Disagreement resolution service, mediation and appeals to the First Tier Tribunal

Sometimes parents or young people may not be happy with a decision that the local authority may make about an education, health and care assessment, or the issue or contents of an Education, Health and Care Plan (EHCP).

We will always work with parents or young people with the aim of reaching an agreed way forward.

If the local authority does not agree to start an education, health and care assessment or does not agree to issue an EHCP following assessment, an informal “way forward” meeting between parents/young person, educational provision and the SEN officer will always be offered.

The “way forward” meeting will discuss ways in which a pupil can be supported at School SEN support level and without the need for an assessment or the issue of an EHCP.

Disagreement resolution

A disagreement resolution service is available for parents of and all children and young people with SEN, not just those who are being Assessed for or have an EHC Plan. They are designed to resolve disagreements about any aspect of SEN provision, and health and social care disagreements during the processes related to EHC needs Assessments and EHC Plans.

Disagreement resolution meetings provide a quick and non-adversarial way of resolving disagreements.

Used early in the process of EHC needs Assessment and EHC Plan development they can prevent the need for mediation and Appeals to the Tribunal and offer an opportunity to look at things holistically to prevent issues escalating. Experienced mediators will explain the process and help clarify the nature of the disagreement with both parties.

If the disagreement resolution meeting does not resolve all the issues, parents/the young person can still Appeal to the First Tier Tribunal at a later date.
Mediation

Mediation is confidential and aims to resolve disagreements in a quick, informal way using a neutral third party, a mediator, to help reach a resolution that is mutually satisfactory.

The mediator does not judge or impose a solution but ensures that any settlement is agreed between you and the Local Authority or relevant body.

Mediation is completely flexible and without prejudice.

The mediation will be held in a neutral location within 30 days of the LA being told parents/the young person would like mediation.

In Medway, the mediation and disagreement resolution service is provided by Global Mediation.

Appeals to the First Tier Tribunal

If parents/the young person remain dissatisfied, an appeal can be lodged with the First Tier Tribunal. (use this link) https://www.gov.uk/appeal-ehc-plan-decision

Appeals to the First Tier Tribunal can be made when a local authority refuses to:

- make an EHC assessment or reassessment
- create an EHC plan after making an assessment or reassessment
- change the sections of an existing EHC plan which are about education (sections B, F and I) (usually following an Annual/Person Centred Annual Review)
- or decides that the pupil doesn’t need an EHC plan any more

Before an appeal can be lodged, the First Tier Tribunal ask parents or the young person if they wish to consider mediation first.

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