



SENDIASS Fact Sheet

Understanding the Mediation Process for EHCP Decisions For Parents, Carers, Children and Young People.

When a Local Authority (LA) makes certain decisions about an Education, Health and Care Plan (EHCP), they must write to you to explain their decision and tell you about your right to consider mediation.

Mediation is an opportunity to discuss the decision with the Local Authority and see if an agreement can be reached before a Tribunal appeal.

Step 1: Read the Decision Letter Carefully

The decision letter will explain:

- What decision has been made.
- Why the decision was made.
- Your rights following that decision.
- How to access mediation information.

Before considering mediation

It can be helpful to contact the EHCP Team first to discuss the decision with them.

- You may wish to:
- Ask them to explain the reasons for their decision.
- Clarify anything you do not understand.
- Share any concerns you have.
- Ask whether additional information could be considered.

Sometimes these discussions can help families better understand the decision or identify next steps.

Step 2: Contact the Mediation Adviser

If, after speaking with the Local Authority, you still wish to challenge the decision, look at the mediation information in your decision letter.

The letter will provide contact details for the mediation adviser. At the time of writing, this is usually Mediation Legal.

The first stage is simply a conversation.

During this conversation:

- The mediation adviser will explain the mediation process.
- They will discuss your options.
- You can ask questions about what happens next.
- You do not have to agree to mediation.

Step 3: Decide What You Want to Do

After speaking with the mediation adviser, you can decide whether to:

Go ahead with mediation or

Request a Mediation Certificate

A Mediation Certificate allows you to lodge an appeal with the SEND Tribunal where applicable.

Remember, you are only required to consider mediation by having the conversation with the adviser.

Step 4: Prepare for Mediation

If you decide to take part in mediation, preparation is important.

Consider:

Evidence

- What reports support your view?
- Is there any new evidence available?
- Could you obtain updated information from professionals?

Support

- Can SENDIASS support you during the process?
- Would you like someone to attend with you for support?
- Are there professionals whose views may be relevant?

Your Questions

- Think about:
- What outcome are you seeking?
- What points do you want the Local Authority to consider?
- What evidence supports your position?

Step 5: Speak to SENDIASS

SENDIASS can help you prepare by:

- Explaining the process.
- Helping you understand the decision.
- Discussing possible evidence.
- Supporting you to prepare questions.
- Helping you understand your rights and options.

SENDIASS provides impartial information, advice and support and does not make decisions on behalf of families.

Step 6: Understand What to Expect

Ask the mediation adviser:

- How the mediation meeting will be run.
- Who will attend.
- How long it is likely to last.
- Whether meetings are online or in person.
- What happens if an agreement is reached.
- What happens if agreement is not reached.

Understanding the process beforehand can help you feel more confident and prepared.

Top Tip

Know the legal question the Local Authority was deciding when it made its decision.

Every EHCP decision is based on specific legal tests.

Understanding:

- What decision was made,
- Why it was made, and
- What evidence relates to that decision, can help you explain your concerns

more clearly during mediation and ensure your evidence focuses on the issues being considered.

Quick Checklist

Before mediation, ask yourself:

- ☐ Have I read my decision letter carefully?
- ☐ Have I spoken to the EHCP Team about the decision?
- ☐ Have I contacted the mediation adviser?
- ☐ Do I understand my options?
- ☐ Have I gathered all relevant evidence?
- ☐ Have I spoken to SENDIASS?
- ☐ Do I understand the legal issue being discussed?
- ☐ Have I prepared the questions I want answered?

Being prepared can help you make the most of the mediation process and ensure your views are clearly heard.

Contact us:

- Follow us on Facebook at BarnsleySENDIASS
- Call us on 01226 787234

· Email us at sendiass@barnsley.gov.uk