

Mediation services - new legal requirements

informing parents and carers about mediation and new legal requirements on education authorities to provide mediation services

New arrangements for mediation

The Education (Additional Support for Learning) (Scotland) Act 2004 will place new duties on local authorities to provide access to independent mediation for resolving disputes with parents and carers of children and young people with additional support needs.

What is mediation?

Mediation is a voluntary process during which a neutral third person (a mediator) assists those involved in disagreement or dispute to work towards finding a mutually acceptable agreement.

How can mediation help you?

The mediation process encourages communication, identifies issues, explores options and assists mutual problem solving. This promotes positive relationships and increases participation between parents, carers, schools and local authority education departments. Increasing the involvement and understanding among the participants in the decision making process, building trust and improving the quality of relationship can successfully address conflict and disagreements.

What do you need to do to take part in mediation?

You need to be able to openly discuss the issues concerning your child's education by bringing any information that is felt to be important/relevant to the process. You must also be prepared to listen to the views of the other parties involved.

What takes place in mediation?

Each person has the opportunity to express his/her concerns and talk about the needs of the child. Past, current and future plans will be discussed, but the goal will be to reach agreement on the most appropriate plan for the child.

Some issues suitable for mediation include:

- school placement;
- level of provision for a child with additional support needs;
- exclusion;
- provision of transport.



RESOLVE:ASL

RESOLVE:ASL, a new and independent mediation service, is now available in Scotland as an option to resolve conflict throughout additional support needs issues in education.

A RESOLVE:ASL mediator is a trained independent and neutral third party who will:

- work with services and families to resolve disputes;
- assist in communication and encourage mutual understanding;
- assist the parties to arrive at the outcomes/agreements themselves;
- establish a basis for effective parent/professional partnerships.

A RESOLVE:ASL mediator does not make decisions or recommend solutions.

RESOLVE:ASL has been set up by Children in Scotland to assist local authorities to meet the mediation requirements in the new Education (Additional Support for Learning)(Scotland) Act 2004. It has been based on the successful and effective Enquire mediation pilot project.

RESOLVE:ASL can approach parties in dispute and offer this service however mediation is a voluntary process so all parties involved must agree to participate.

There is no cost to parents/carers and young people who are involved in mediation.



Children in Scotland is the national agency for voluntary, statutory and professional organisations and individuals working with children and their families in Scotland.

Children in Scotland exists to identify and promote the interests of children, young people and their families and to enable them to contribute to the development of policies and services which are of the highest possible quality and able to meet the needs of a diverse society. It does this with, through and for its members. Children in Scotland facilitates the Special Needs Advisory Group (SNAG) and hosts Enquire, the national advice service for special educational needs in Scotland.

For more information about membership, magazine subscriptions, publications, training and conferences, please contact Children in Scotland on 0131 228 8484 or visit the website at www.childreninscotland.org.uk.

Mediation for families with ASL issues was successfully piloted from 2001 to 2004 by Enquire, the national advice service for special educational needs in Scotland, based at Children in Scotland.

If you require more information or feel mediation would benefit your child or circumstances you can speak **Sandra Mitchell, Mediation Officer** at

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Tel: 0131 222 2456. Fax: 0131 228 8585. Email: smitchell@childreninscotland.org.uk.**

You can also get more information online at www.resolveasl.org.uk.