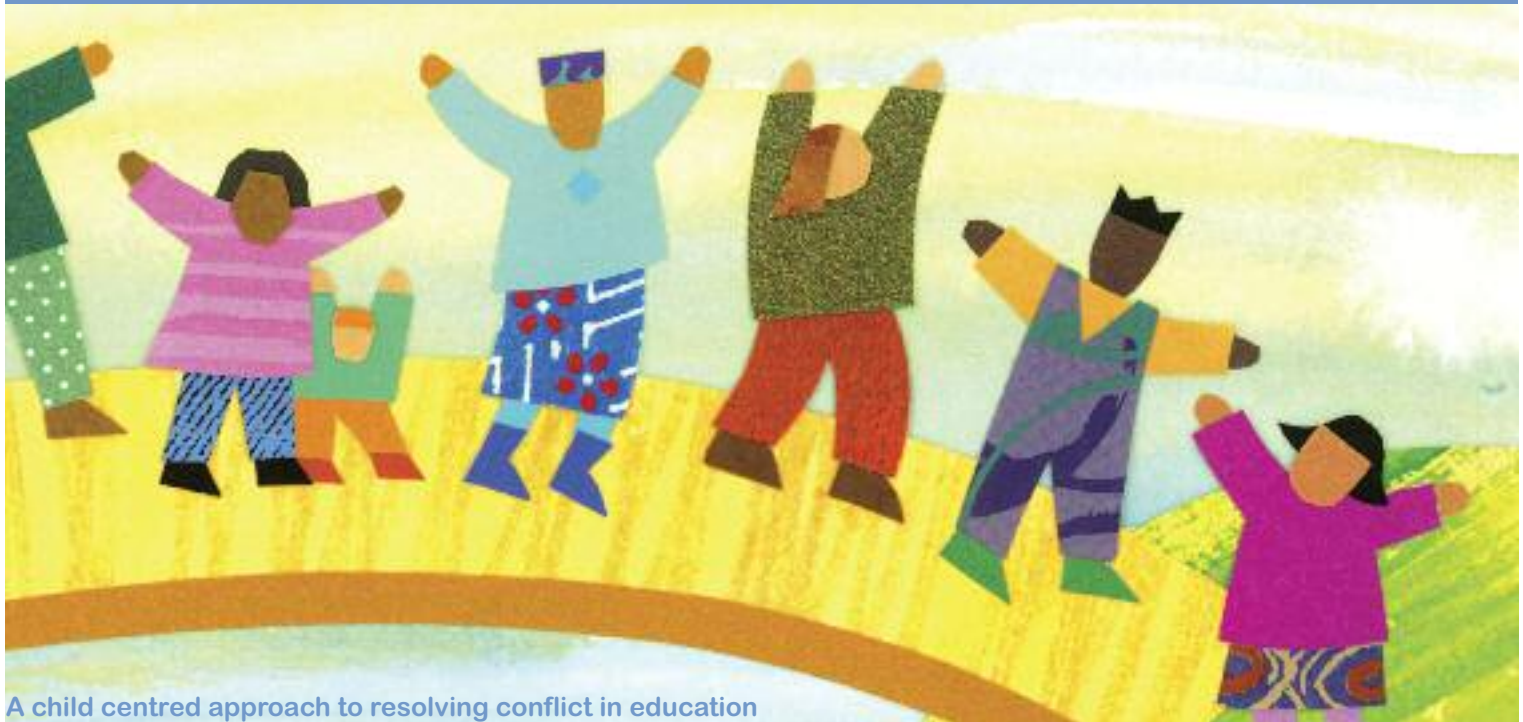


RESOLVE:ASL



Additional Support Needs Mediation - A Users Guide



A child centred approach to resolving conflict in education

The Education (Additional Support for Learning)(Scotland) Act 2004 places 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 when or if they arise.

What are Additional Support Needs?

The Additional Support for Learning Act introduces a new framework for supporting children and young people in their school education, and their families. Additional support needs is the new term which will apply to children and young people who, for whatever reason, require additional support, long or short term, in order to help them make the most of their school education. (REF: Scottish Government Supporting Children's Learning, Chapter 1 Code of Practice)

What Is mediation?

- Mediation brings parties together to work with each other to resolve a disagreement.
- An impartial mediator helps the participants communicate their concerns to each other.
- All parties are involved in the decision making.
- Everyone has an opportunity to express concerns and offer solutions.

- The views of the child or young person are taken into account
- The focus is on solving the disagreement and working toward a solution that satisfies all parties.
- The people involved have the power to make decisions
- Mediation is voluntary. All parties must agree to participate.
- Mediation is confidential to the people who take part in the mediation process
- The focus of mediation is finding a solution that is in the best interests of the child or young person.

Why consider mediation?

Sometimes, despite everyone's best efforts and endeavors, situations can arise which cause disagreements. Conflicts that arise out of misunderstandings or lack of shared information can be resolved through mediators helping parents, educators and service providers to communicate directly with one another. Mediation is faster than adversarial approaches and the parties themselves make the decisions. The mediation process encourages and increases

involvement and understanding amongst people in dispute. Building trust and opening communication to improve the quality of relationships will successfully address many conflicts and disagreements. Mediation works best when the people involved actively want to find a solution to their disagreement. Through mediation participants are much more likely to find satisfactory agreements and research shows that outcomes agreed in mediation are more likely to be upheld.

Why would I use ASN mediation?

If you disagree with anything about your child's education, you should raise your concerns with your child's teacher first. If you are not satisfied, you can then speak to the head teacher or the education authority. If you are still unable to resolve the problem, you should consider using mediation as soon as possible. Any disagreement about the education of children with additional support needs can be referred to an independent mediation service. The earlier you ask for mediation, the better. The aim of mediation is to prevent disagreements from escalating.




The start of disagreements can often be something quite small then people tend to dig their heels in, refuse to back down, views become entrenched and they refuse to see the other person's point of view. What has initially been a very little problem, quickly becomes a huge one



mediator



CONFLICT IS OFTEN INEVITABLE, BUT IT NEED NOT PRODUCE NEGATIVE RESULTS



What happens during mediation?

Mediation is a flexible and informal process. The joint mediation session will include all the relevant people involved in the dispute and the mediator.

The mediator will first meet privately with you, and your child if appropriate. This meeting often takes place at home. The mediator will also meet privately with relevant person/s at the education authority or school.

During this first meeting you will have an opportunity to share your concerns, issues and future hopes with the mediator, ask questions, plan and decide on the key points that you want discussed in the joint session. The mediation service will then find a place to hold the joint meeting that is suitable for both parties – a neutral venue. A mediation session can last approx 1-2 hours. During the joint meeting, the mediator will make sure that each party gets an opportunity to talk, listen, express their concerns and explore the options that are available. The mediator will summarise what has been said and then help everyone to move towards a solution that is manageable and sustainable. Whatever the outcome, a written account will be given to all involved after the joint meeting.

How can I access mediation?

Contact the additional support for learning information officer in your local authority. If you do not know who this is you can phone Enquire to find out, or phone your council and ask to be put through to the relevant person. Education authorities in Scotland will have an Additional Support for Learning (ASL) Officer or Manager who will be able to give you the information regarding the independent mediation service provider in your area. By law, local education authorities must provide mediation services free of charge for parents, carers and young people.

What happens if we don't reach agreement?

Even if an agreement is not reached, there is the potential of both parties leaving mediation with an enhanced perspective of the issues. However If you cannot reach an agreement using mediation, other options may be available to you.

There are ways to address your dispute using external adjudication, appeal committees or Additional Support Needs Tribunals. Which route you take will depend on the reason for your dispute. Contact Enquire (details on reverse) to find out more about these options.

My child attends pre-school, am I entitled to access mediation services?

If your child attends a local authority or partnership nursery, you are entitled by law to access independent mediation services free of charge. If your child goes to a private nursery, or you have decided to educate them at home, the education authority is under no legal obligation to provide you with the service.

Contact the Scottish Mediation Network (details on reverse) for information on mediation services in your area.



Conflict is stressful and time-consuming. Mediation offers one of the best ways of improving working partnerships for the benefit of children and young people's education



**mediation co-ordinator
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Benefits of mediation :

- Opportunity for a full and respectful airing of differences
- Opportunity to negotiate by all involved
- Maintaining the focus on the needs of the child
- The parties can tailor their settlement to their particular situation
- Parties who negotiate their own settlements have more control over the outcome of their dispute
- Parties are generally more satisfied with solutions that have been mutually agreed upon, as opposed to solutions that are imposed by a third party decision-maker
- Many disputes occur in the context of relationships that will continue over future years
- A mediated settlement that addresses all parties' interests can often preserve a good working relationships in ways that would not be possible in a win/lose decision-making procedure

Issues suitable for mediation include :

- Restoring communication
- Repairing broken relationships between parents and staff
- School placement
- Level of support for a child with additional support needs
- Exclusion
- Transition of record of needs to co-ordinated support plans

Mediation is :

Independent : Local authorities must ensure that parents have access to an independent mediation service free of charge. Although the service you use is likely to be commissioned by the local authority, it will be operating entirely independently.

Impartial: Mediators are not on anyone's side.

Private and confidential: You can discuss the issues and your ideas for resolving the disagreement without fear of them being used against you in the future if no agreement is reached.

A first option: Using mediation will not affect your rights if you want to take the matter further later on.

Easy to arrange: Usually it will only take a few phone calls for a session to be set up.

A trained mediator :

- Facilitates open communication between the participants
- Creates a safe environment, allowing parties to interact and understand each other's point of view
- Is unbiased and impartial
- Clarifies points of agreement and disagreement
- Helps identify options
- Can produce a written statement of outcomes and agreements
- Any agreements are decided by the parties involved as a mediator does **not** make decisions or recommend solutions

Preparing for a mediation session :

Think of possible ways /alternatives of solving the problem/s

Think about what you want to get out the session

Think about what you want the other party to do

Think about what you are willing to do

Be willing to listen and compromise

Put aside personality conflicts



“

People must come to mediation with the aim of reaching an agreement which is mutually acceptable to all involved, everyone will have equal opportunities to speak, listen and negotiate

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mediator

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For further information contact :

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Scotland's independent additional support for learning mediation and training service

Sandra Mitchell
Mediation Co ordinator
t: 0131 222 2456
smitchell@childreninscotland.org.uk
www.resolve.org.uk

Other contacts :

Enquire

helpline: 0845 123 2303
textphone: 0131 22 22 439
www.enquire.org.uk
info@enquire.org.uk

Children in Scotland

t: 0131 222 8484
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