

19. Mediation



Mediation is a free service which can sometimes help resolve a dispute. An independent person (who is not part of the local authority) called 'a mediator' helps everyone taking part to discuss the problems and try to find solution. You do not have to go to mediation, but if you request mediation, the local authority must attend.

When Can Mediation Help?

You can ask for mediation if you don't agree with decisions made about your child's Education, Health and Care Plan (EHCP). This includes things like:

- Whether your child needs an EHCP
- What's included in a draft EHCP after an assessment
- How your child's needs are described (Section B)
- The support they're being offered (Section F)
- Any health or social care parts of the plan (Sections C, D, G, H1, H2)
- The school or setting named in the plan (Section I)
- Decisions not to reassess, not to make changes, or to end the EHCP

Who Provides Mediation Services in Doncaster?

In Doncaster, the mediation service is offered by [Kids](#). Their contact details can be found on your decision letter from the local authority.

What Happens When You Call Kids Mediation Service?

A mediation adviser will:

- Explain what mediation is and how it works
- Answer any questions you have
- Ask for a brief background to your case

Then, you can choose one of two options:

Option 1: Take Part in a Mediation Meeting

The mediation meeting must take place within 30 days of them being informed you wish to take part in mediation. Thereafter, you must receive at least 5 working days' notice before the mediation date and you can choose to have someone there to support you.

If the local authority doesn't arrange mediation within 30 days:

- The adviser must issue a mediation certificate within 3 working days.
- You can then, if you choose, proceed with an appeal to the SEND Tribunal.



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If an agreement is reached through mediation:

The mediator writes a summary of what was agreed to form a mediation agreement. This summary is binding and acts as a contract between you and the local authority (LA) or ICB (Integrated Care Board)/health.

Unless you've agreed to different timescales the LA or ICB must do what was agreed within legal time limits. These time limits are set out in the **SEND Regulations 2014** and are there to make sure things move forward quickly for your child.

What Has Been Agreed	Legal Time Limit
If the LA agrees to carry out an EHC needs assessment or reassessment	Within 2 weeks they must tell you they're starting the assessment. Then within 10 weeks, they must either tell you they won't issue an EHCP or send you a final EHCP within 14 weeks of the mediation agreement.
If the LA agrees to issue an EHCP	They must send you a draft plan within 5 weeks. They must issue the final EHCP within 11 weeks of the mediation agreement.
If the LA agrees to change the name of a school in the EHCP	They must send you the amended EHCP within 2 weeks
If the LA agrees to make other changes to the EHCP	They must send you the amended EHCP within 5 weeks
If the LA or ICB agrees to do something else (e.g. provide additional funding)	They must do this within 2 weeks of the mediation agreement.

If an agreement is not reached:

- A mediation certificate is issued to confirm that mediation took place.
- You still have the right to appeal to the SEND Tribunal – we have a separate guide explaining this process.

Option 2: Decline Mediation

If you decide not to take part in mediation:

- The adviser will issue a mediation certificate within 3 working days confirming your decision.
- You can then appeal to the First-tier SEND Tribunal.

First-tier SEND Tribunal Appeal Deadlines

You must send your appeal:

- Within 2 months of the local authority's decision, or
- Within 1 month of receiving the mediation certificate, whichever is later.



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When You Don't Need a Mediation Certificate

You can appeal to the SEND Tribunal without a mediation certificate if your appeal is only about Section I of the EHCP:

- The school or setting named in Section I
- The type of school or setting named
- If no school or setting is named at all.

Your appeal will need to be submitted within two months of the original decision letter.

More Information and Support

You can find out more about mediation on the following links:

- [Kids: Mediation Leaflet](#)
- [Kids: Pre-mediation Guidance](#)
- [DfE: Routes for Disagreement Resolution Factsheet](#)
- [DfE: SEND Disagreement Resolution Services Factsheet](#)
- [DfE: Mediation Factsheet](#)
- [IPSEA: The mediation process](#)

You can also speak with Doncaster [SENDIAS Service](#) by calling [01302 736920](tel:01302736920) or email: sendias@doncaster.gov.uk.



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