

# SENDIASS West Northants Information Bulletin Issue 1

*In our Information Bulletins we will focus on two topics and provide key information and useful links to services and documents. We will also share news stories from the team and highlight Parent Support Groups within West Northants.*

## Topic 1: Mediation

Mediation was introduced in September 2014 as part of the Children and Families Act 2014. You do not need to attend Mediation. If you want to appeal a decision to the SEND Tribunal, you need to go to mediation and get a Mediation Certificate. In West Northants, the local mediation service is Global Mediation. They are linked here: [Special Educational Needs and Disability - Global Mediation](#).

The only type of appeal that does not need mediation is a Section I only (the setting) appeal, of the EHC (Education, Health, and Care) plan. This type of appeal can go straight to the tribunal. Before submitting your appeal to the tribunal, you do not have to take part in mediation, but you need to consider it.

Once you have notified the Local Authority (LA) that you wish to enter mediation, the LA has 30 calendar days to arrange this. If the LA is not able to arrange this within the 30 days, the mediator will issue a Mediation Certificate to you. This allows you to register the appeal.

### Preparing for a Mediation Meeting:

Before you go to a mediation meeting, you should prepare all the information and evidence that you feel supports your request. This can include school reports/IEPs/home-school diaries/examples of your child's work. Reports from an Educational Psychologist, Speech and Language Therapist or other professionals. Take this information along with you and make a list/note of the points that you want to discuss and back these requests up with the evidence.

When your mediation is planned, the Mediator will arrange to meet separately with you and the LA. They will gather information and views. Everything discussed during these meetings are confidential. The Mediator will not refer to anything they have been told during the formal mediation meeting. It is not the role of the Mediator to make any decisions during the meeting. Their role is to aid decisions between you and the LA. Any agreements made during the mediation must be made by those present/involved.

### What happens after Mediation:

At the end of the session the Mediator will write a summary of the conversation and ask that both parties sign this.

If an agreement or partial agreement has been reached, the results will usually be added into a mediation agreement. This will be legally binding on the parties.

If an agreement is not reached you will be issued a Mediation Certificate. You will send this off with the appeal form to register an appeal with SENDIST Tribunal Service. You will have either 1 month from the date of the Mediation Certificate or 2 months from the original LA letter. Whichever date is later. Anything that was discussed during mediation cannot be used during the appeal, as mediation is confidential. If during mediation a partial agreement was made, this will not be considered, and the tribunal ruling will overrule this.

## Topic 2: Refusal to Issue an EHC Plan Appeal.

The 'Refusal to Issue an EHC Plan' decision letter from the LA will explain your right to mediation and appeal. It is important to fully understand why the LA reached this decision. It is always a valuable idea to continue talking to the LA about your concerns, or any questions you have about the reasons for their decision. Further information will help you decide whether to appeal and will be key when building your case. Before appealing you must consider mediation. This can be useful for example, where you have some extra information or a new report you would like to share with the LA.

### What the law says:

The SEND Code of Practice 2015 says 'Where, despite appropriate assessment and provision, the child or young person is not progressing, or not progressing sufficiently well, the local authority should consider what further provision may be needed. The local authority should consider:

- whether the special educational provision required to meet the child or young person's needs can be provided from within the resources normally available to mainstream early years providers, schools, and post-16 institutions, or
- whether it may be necessary for the local authority to make special educational provision in accordance with an EHC plan' (9.55)

### So, what does this mean?

In reaching their decision the LA should consider:

- the information gathered during the EHC Needs Assessment
- the child or young person's SEN
- the Special Educational Provision (SEP) being made

Where the child or young person is not making expected progress, despite appropriate provision, they should consider:

- any further SEP needed,
- whether the required provision could be provided from within the resources normally available to the education setting or,
- whether it is necessary for the LA to make SEP in accordance with an EHC plan

Independent Provider of Special Education Advice (IPSEA) has a refusal to issue pack. This provides advice for parents and young people about appealing to the Special Educational Needs and Disability (SEND) Tribunal: [IPSEA 'Refusal to Issue an EHC Plan' pack](#).

### Evidence to consider gathering and submitting with your appeal:

- Reports from professionals about required provision.
- Evidence if school are saying they cannot meet child's needs.
- Attendance records
- Records of any exclusions

Any records from school can be gathered by making a 'Subject Access Request'.

### Witnesses:

The best evidence about a child or young person's SEN and the SEP required is usually from a professional in the relevant field and knows them. The best evidence from a professional is to have a written report in the evidence bundle and for them to be a witness at the hearing. This gives the SEND Tribunal an opportunity to consider their evidence beforehand, and then to ask any follow up questions. The witness can also respond to points against the appeal raised by the LA or their witnesses. In appeals against a 'Refusal to Issue an EHC

Plan', it is best to have someone from the school or setting as a witness and not to rely on written evidence alone. This will usually be the Head Teacher or Principal, or the SEN Coordinator ("SENCO").

### Outcomes of a Refusal to Issue an EHC plan appeal:

If you win the appeal, then the LA will be ordered to issue a draft EHC Plan, to consult with you as parents or the young person, and then issue a final EHC Plan. If you are not happy with the EHC Plan, then another appeal against the contents of the EHC Plan will need to be submitted. This would be after the Plan is issued.

If you do not win the appeal, then the LA will not have to issue an EHC Plan. But hopefully the school or setting will be able to use the extra information and advice gathered to support your child or young person better in the future.

## SENDIASS News:

### Moving On Up – Young Persons Conference

50 students from 7 schools attended the SEND IASS Moving on Up Conference at the University of Northampton on Thursday 21st March.

Kingsthorpe College, Northgate Arts Academy, Purple Oaks Academy, Elizabeth Woodville School, WiEducate, Thomas Becket and Northampton School for Girls were all represented at the Conference. This was organised by student members of the SEND IASS Advisory Council.

Advisory Council members became staff for the day and were responsible for supporting other students to have an enjoyable experience. The students wanted a strong focus on safety and well-being, and this was reflected in the workshops.

ProAction Martial Arts delivered a popular workshop on Anti-Bullying. Anna Letts Education supported students in creating emotional well-being toolkits. The British Red Cross were on hand to give the attendees a lesson on first aid. The Conference ended with staff and students coming together to participate in a Silent Disco by The Good Times Project.

We look forward to next year's event.



## Parent Support Group Highlight – West Northants Voices in Partnership (WNVP):

### Who are WNVP?

WNVP is a collective of Parent Carers, each with a Child/Young Person with Special Educational Needs of Disabilities (SEND). Our primary goal is to amplify the voices of our members at a strategic level. We are striving to improve outcomes for the Children and Young People of West Northants. We achieve this by collecting the voice of our members both successful practices and challenges encountered. We share this with Local Authorities, Educational Institutions, Health Services, Social Care Providers, and Voluntary Organisations.

### Who can join?

Parent Carers of Children and Young People aged 0-25 with SEND, residing or attending a facility within West Northants, are welcome to join us.

### What do we offer?

Opportunities to share 'lived experiences' in a safe environment. Take part in meaningful surveys/consultations. Influence and shape SEND services. A chance to be a part of a 'solution focused' partnership approach. Also, being able to meet other Parent Carers of SEND Children and/or Young People at engagement events.

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