

A newsletter for **all** parents

This newsletter is written for all parents and carers – because any child, at any stage in their lives, for any reason may need additional support to help them learn.

In this edition we focus on **mediation** – an informal method of solving disagreements or misunderstandings between you and the staff who work with your child. Your education authority must provide mediation services for you to use free of charge. So it is important that you are well informed about what mediation involves, and when and why you should make use of it.

We hope you find this issue of **Enquire within** a useful resource, but remember, you can call our helpline and speak to one of our trained advisers if you need any more information.

Anne Lennon, Enquire Manager



Email info@enquire.org.uk to receive this newsletter electronically



Enquire launches online 'blog' for children and young people

Gabriel builds a dam each year in the stream outside his holiday home in Normandy. It is his way to escape, relax, think and plan for his future. This is just one of the many entries to Enquire's new online 'blog' for young people.

The blog is a place where your child can get news and information about getting additional support and is a safe place where they can share their ideas, experiences and views with other young people.

Young people who need extra help at school often like reassurance that they are not alone, that there are other young people who also need additional support.

We hope that the blog will introduce young people to the rest of the Enquire service, such as the selection of guides that can be downloaded from the website, and encourage them to ask questions.

Please take a look at the blog by visiting www.enquire.org.uk/youngpeople/wordpress

In my own words: services for young children in a multilingual society

A Children in Europe one-day conference on 1 June 2007 in Edinburgh will examine the experience of being multilingual, how to create language-friendly environments and how early childhood services respond to the challenges and opportunities presented by multilingualism.

A magazine with the same title is also available.

Email croulstone@childreninscotland.org.uk for further information.

Tribunal decisions published online

Scotland's Additional Support Needs Tribunal service, which hears cases where there is a disagreement about decisions made relating to co-ordinated support plans, is now publishing its decisions online.

You can search a 'decisions database' at www.asntscotland.gov.uk

The decisions will be published so as to protect the anonymity of the child or young person concerned.

Enquire's helpline opening hours are:

Monday 9am - 5pm • Tuesday 9am - 7pm • Wednesday 9am - 5pm • Thursday 9am - 7pm • Friday 9am - 5pm

The helpline number: 0845 123 2303

Your at-a-glance guide to mediation

By law, your local education authority must provide mediation services for you to use free of charge. So it is important that you are well informed about what mediation involves, and when and why you should use it.

What is mediation?

Mediation is an informal method of solving disagreements or misunderstandings between you and the staff who work with your child.

It allows you, or your child if they are aged 16 or over, to meet relevant persons from your child's school or education authority, and try to agree a solution with the help of a trained mediator. The mediator is neutral. They are not there to offer advice or make recommendations, but to ensure that both sides are able to have their say and to help you both find a shared solution that solves the problem.

When would I use 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 as small as misconstruing what a person has said or what they have done. Then people tend to dig their heels in, people refuse to back down, views become entrenched and people refuse to see the other person's point of view. What has initially been a very little problem, quickly becomes a huge one.”

Colin Dunn, mediator

“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.”

Sandra Mitchell,
mediation co-ordinator, Resolve

Issues suitable for mediation include:

- Restoring communication 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

What happens during mediation?

Mediation is a flexible and informal process.

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 persons at the education authority or school.

“The initial meetings we have with people are the private meetings. These are very important. This is the time for people to air their views and concerns. By that time people are looking for a solution and a way to move forward.”

Diane Marr, mediator

The mediation service will then find a place to hold the joint meeting that is suitable for both parties – a neutral venue outside the school.

During the joint meeting, the mediator will make sure that each side gets an opportunity to give their views.

“Mediation is not about apportioning blame. It is about acknowledging the reality of the issue and how that is affecting the child. The parent and the teaching staff have got to be prepared to give their views.”

Diane Marr, mediator

The mediator will summarise what has been said and then help everyone to move towards a solution that is manageable and sustainable.

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

Diane Marr, mediator

Whatever the outcome, a written account will be given to all involved after the joint meeting.

“The written agreement is really important. It is a summary of what has been decided round the table. It is really important when you are writing what people have agreed that you are checking out with them the words, the language, exactly what people are saying. I always take rough notes then type it out and send a copy to every one, so that everyone understands. I would always check before I leave the room that I have the essence of the agreement.”

Carol Barrett, mediator

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.

What happens if we don't reach agreement?

If you cannot reach an agreement using mediation, other options may be available. 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 to find out more on these options.

My child attends pre-school. Am I entitled to access free 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 page 4) for information on mediation services in your area.

“I can certainly appreciate how intimidating it must be – how daunting it must be for people to come to mediation if they have never heard of it before or if they have never been to one. But if I do my job professionally, and maintain confidentiality and respect, then I don't think that worry is an issue.”

Colin Dunn, mediator

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.

Parents get clued up on mediation

Parents in the Scottish Borders have made sure they are prepared if misunderstandings or disputes arise with their education authority.

An interactive workshop on mediation, organised and funded by Scottish Borders Council, gave parents an opportunity to reflect on their own experience of conflict, and how conflict might be resolved or even avoided in the first place. They also learnt about the processes of mediation, how it can help and why it should be considered as an option when disagreements do arise.

Parents who attended were not just those whose children have additional support needs. Many wanted to learn about mediation, hoping they would not have to use it but recognising that it may prove useful in the future.

One parent said: **“Hopefully I won't need to use mediation, but it's good to know of the potential routes.”** Another said: **“I do not like conflict and will do my best to avoid it so it is helpful to know that if I am in a situation with the education department that I can have an advocate with me or ask for a mediator.”**

Workshops using the same format have also been held for education staff across the Scottish Borders, to ensure they too understand the process of mediation.

Resources - 'mediation'

Placing requests. Enquire factsheet 4

How to make a placing request, why requests can be refused and what to do if this happens. Has information on related transport issues.

Resolving disagreements. Enquire factsheet 5

Outlines processes that you can use.

Parental participation in meetings. Enquire factsheet 6

Outlines what education authorities and schools **must** and **should** do to involve parents of children with additional support needs in their child's education. Also advises on good practice for participation in meetings.

Mediation. Enquire factsheet 9

More information about mediation.

Exclusion from school. Enquire factsheet 12

Explains what exclusion means, outlines exclusion procedures and gives information on the responsibilities of education authorities including alternative provision.

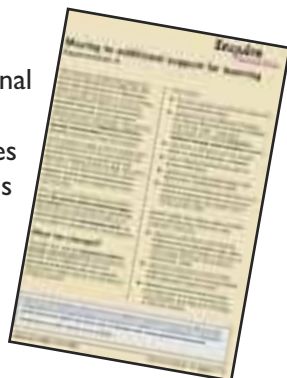
Dispute resolution (independent adjudication). Enquire factsheet 13

Provides information on the procedures and timescales involved in dispute resolution.

Moving to additional support for learning. Enquire factsheet 14

Describes the arrangements for changing over from special educational needs legislation to the additional support for learning act. This includes information about Records of Needs

Order Enquire factsheets at www.enquire.org.uk or email info@enquire.org.uk



Scottish Mediation Network

The network supports using mediation as a first option for resolving disputes of all kinds, including those relating to additional support for learning.

www.scottishmediation.org.uk

Supporting children's learning during change – Enquire's annual conference

Changes in school education can have a big impact on all children and young people, but especially so for those with additional support needs. This is why Enquire's annual conference, in February 2007, focused on how to make transition a positive experience.

Changes include entry to pre-school, starting primary school, starting secondary school, permanently leaving school for a job, training or further education, and moving schools when a child moves home.

Anne Lennon, Enquire manager, said:

“All of these circumstances present opportunity for change and growth, but they also take children into uncharted territory and we must recognize that for children and young people who are vulnerable, the risks associated with change are magnified.”

The conference looked at a range of strategies and principles for helping ensure transitions are as smooth as possible, as well as highlighting a number of good practice examples the length and breadth of Scotland.

A conference report will provide more detailed information on all of the above.

Download the report from www.enquire.org.uk or email info@enquire.org.uk

Mediation across Scotland

Most local authorities have a mediation provider and approximately 40 cases have been dealt with since November 2005.

Breakdown in communication between parents and their child's school has been cited as the most common cause of disputes referred for mediation, according to Scotland's main mediation providers Resolve and Common Ground.

The two providers said in almost all cases, mediation has been successful in restoring communication by encouraging both parties to focus on the child and develop strategies for building and maintaining a professional working relationship.