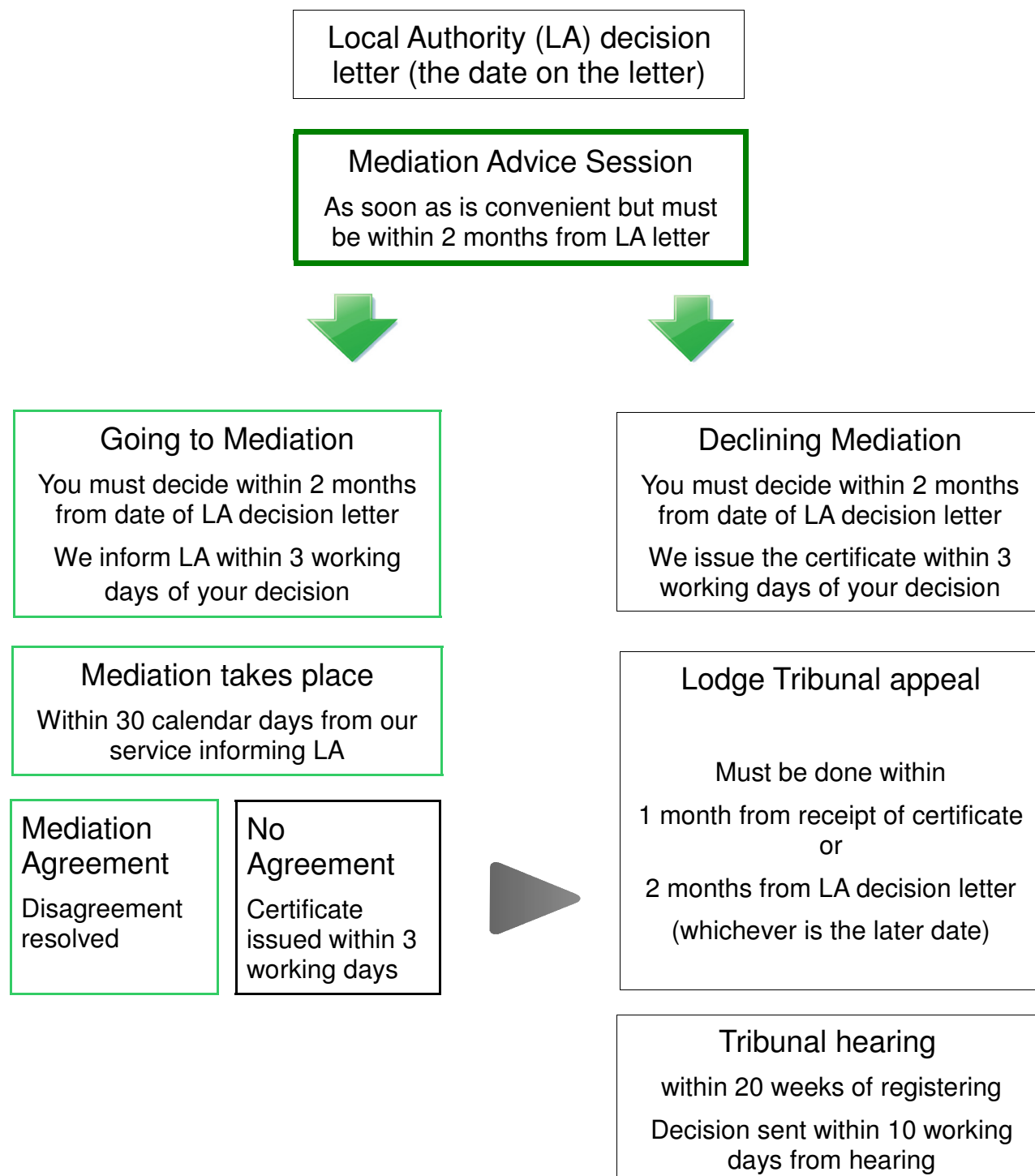


KIDS - Mediation Information and Awareness Session (MIAS)



We are pleased that you have booked a Mediation Advice meeting. The information that we will give you is quite detailed. This leaflet can help you prepare questions you may wish to ask the adviser.

Below is a chart showing you the Mediation Advice and Mediation process together with the time it may take. There are more explanations in the “Questions and Answers” section .



The role of the Mediation Adviser and the Certificate

Under the new law anyone appealing to the SEND Tribunal has to have a certificate to show that they have received information about Mediation. You do not have to go to Mediation, just receive the information. Better understanding about the differences between Mediation and Tribunal and will help you chose which is right for your child.

Key facts about Mediation

An independent trained SEN Mediator manages the Mediation meeting, which usually lasts about 3 to 4 hours. They make sure everyone at the meeting can have their say, are listened to and that everybody around the table works to find solutions for your child's problems. Mediators are impartial and they do not take sides or make the decisions.

Mediation is about solving problems and not about giving evidence. It is not about “who is right and who is wrong”. It mainly looks at the present and the future, rather than the past. It is different to the Tribunal legal process, where a panel hear the evidence from the parents, the local authority and others involved and then make a ruling.

Mediation is free of charge and it is a quick and simple process. We also make sure that the Mediation meeting takes place somewhere as close as possible to where you live.

Mediation is voluntary for parents / carers and young people. That means that you can stop at any time and you can still go to Tribunal. It is not voluntary for the Local Authority.

What happens and is said in a Mediation meeting is confidential and that includes your phone calls with KIDS staff and the Mediator.

Usually people reach an agreement, which is recorded with the help of the Mediator. The Agreement has to be acceptable to all parties. It often needs to be shared with others, so the agreement is not usually confidential. In cases where there is no agreement, you will be given the certificate and you have then another 30 days to make an appeal.

There is more information on our website: www.kids.org.uk/mediation

Questions and Answers

Q: How long is the mediation information session (MIAS) likely to last and how is it done?

A: Up to half an hour. The Advice session provides general information and is an opportunity for you to ask questions. It is usually done on the telephone.

Q: Who is the adviser, what do they know about mediation?

A: All the advisers at KIDS are trained and experienced SEN Mediators. The adviser will make sure that you have all the information you need to make a choice. They will not ask you about your specific disagreement.

Q: If I am not sure what decision to make, can I think about it and ring back?

A: Yes, you can ring us as often as is necessary but you must make your decision within 2 months from the date of the Local Authority decision letter.

Q: What happens to the tribunal appeal deadline if my Mediation Advice meeting is delayed ?

A: That is fine as long as you have the session within 2 months from the Local Authority decision letter. This is because the deadline for submitting your appeal to the Tribunal is two months from the date of that letter. However, once you have had your MIAS and we have given you the certificate, you have a new deadline for lodging a Tribunal appeal. This is 1 month from the date of your MIAS certificate.

Q: If I want to try mediation, do I lose my right to appeal to the tribunal?

A: No you do not. And you can withdraw from mediation at any time and still make a Tribunal appeal.

Q: If I want my certificate right away to make a tribunal appeal, when will I get it?

A: Within three working days of your MIAS and your decision not to go to Mediation.

Q: What happens if I say 'no' to mediation and change my mind later on?

A: You can contact us and ask that we contact the Local Authority about your decision or you can contact them yourself. We expect that the Local Authority and / or CCG will usually agree to mediation provided that it can take place before a Tribunal hearing.

If your questions and concerns have not been answered in this leaflet, please make a note and ask your adviser when you have your MIAS session.