

language  
engaging parent  
child share  
build questions partnership negotiate relationships speak thoughts  
talk school mediation dialogue understand collaboration words process  
home information inclusive listen young person agreements viewpoints  
value trust trust people  
summary ideas conversation  
mediator assist ASN

RESOLVE: ASL Communication  
is the key

Mediation in Education - a User's Guide

# A child centred approach to resolving conflict in education

“ Without mediation we would still be floundering, thank you! ”

The Education (Additional Support for Learning Scotland) Act 2004/09 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. Your local authority also has a duty to publish who the independent provider of mediation is in your area.

## What are Additional Support Needs?

Additional support needs is the term which applies 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, Code of Practice).

By law, local education authorities must provide mediation services free of charge for parents, carers and young people.

## What is mediation?

- ❖ Mediation brings people together to work with each other to resolve a disagreement
- ❖ An impartial mediator assists people to communicate their concerns to each other
- ❖ All people 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 people
- ❖ The people involved have the power to make decisions
- ❖ Mediation is voluntary. All people 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 would I use ASN mediation?

Sometimes, despite everyone's best efforts and endeavours situations can arise which cause disagreements.

Misunderstandings, lack of shared information and different perceptions can be addressed through mediators helping parents and education staff to talk and listen effectively and directly with one another.

### **Mediation facts:**

- ❏ Faster than adversarial approaches and people make the decisions themselves
- ❏ The process encourages and increases involvement and understanding

- ❏ Repairs trust and opens communication to improve quality of relationships successfully
- ❏ Addresses many conflicts and disagreements
- ❏ Works best when people involved want a solution to their disagreement
- ❏ Participants are much more likely to find satisfactory agreements through listening and talking

### **If you disagree with anything about your child's education you should**

- ❏ Raise your concerns with your child's teacher first
- ❏ Then if you are not satisfied speak to the head teacher or the education officer for your area
- ❏ If you are still unable to resolve the problem you should consider using mediation

The earlier you ask for mediation the better as the aim of mediation is to prevent disagreements from escalating. Any disagreement about the education of children with additional support needs can be referred to the independent mediation service covering your area.

## What happens during mediation?

- Mediation is a flexible and informal process
- The mediator will meet privately with you and your child
- This meeting often takes place at home
- The mediator will also meet privately with the relevant person/s at the school or education authority
- Then a joint mediation session would include all the relevant people involved in the dispute and the mediator
- As the child or young person is the main focus of any mediation sessions whenever possible their views must be taken into account in a way that suits them best

During your private meeting you will have an opportunity to share your concerns, issues and options with the mediator. The mediator will explain the mediation process and answer any questions you may have while planning the next steps with you.

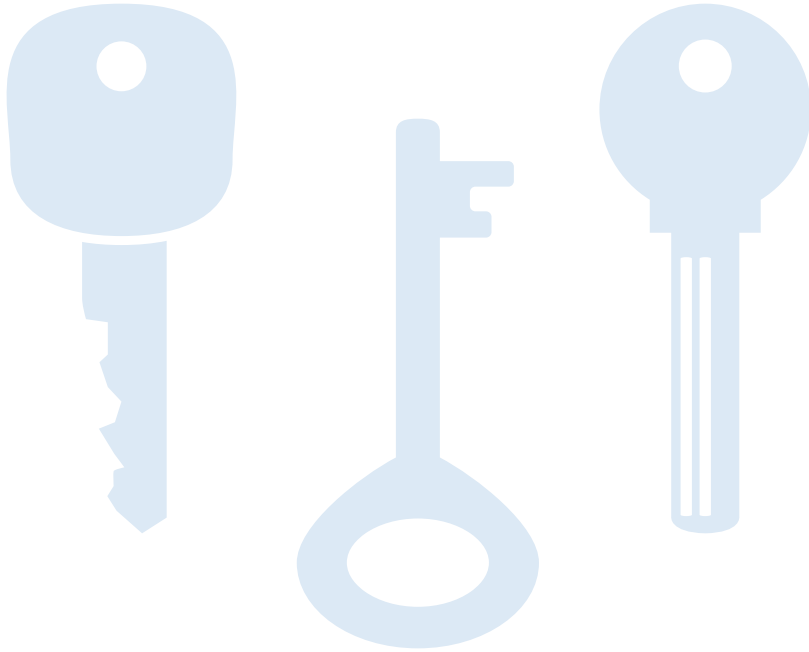
The mediation service will organise a neutral venue to hold the joint meeting.

A mediation session can last approximately 1-2 hours.

During the mediation session 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 manage the process and assist everyone to move towards a solution that is manageable and sustainable always with the child as the main focus.

Whatever the outcome, a written statement will be given to all involved after the mediation session.



## How can I access mediation?

Contact the Additional Support for Learning Education Officer in your local authority. If you do not know who this is you can phone Enquire on **0845 123 2303** 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.

## What happens if we don't reach agreement?

Even if an agreement is not reached, there is the potential of people leaving mediation with an enhanced understanding 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 to find out more about these options.

“ Clear boundaries established from outset meant everyone had a voice and a chance to be listened to ”

“ What we said and what others heard was different, mediator helped us all hear the same things ”

### 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 people can tailor their settlement to their particular situation
- People who negotiate their own settlements have more control over the outcome of their dispute
- People 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
- Mediated agreements which address the interests of all involved reconnects good working relationships to allow best outcomes for children and young people



**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 meetings to be set up.



## A trained mediator:

- Facilitates open communication between the participants
- Creates a safe environment, allowing people 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 people 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 of the session

**Think** about what you want the other people to do

**Think** about what you are willing to do

**Be willing** to listen and compromise

**Put aside** personality conflicts

“ I liked the idea of being in an environment that allowed us to speak freely and honestly and not be afraid to speak out ”

# RESOLVE: ASL

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

For further information contact:

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Rosebery House,  
9 Haymarket Terrace Edinburgh,  
EH 12 5EZ  
[www.childreninScotland.org.uk/services](http://www.childreninScotland.org.uk/services)

RESOLVE:ASL is managed by



Other contacts:

Enquire  
The Scottish Advice Service for  
Additional Support for Learning  
Helpline: 0845 123 2303  
[www.enquire.org.uk](http://www.enquire.org.uk)

Children in Scotland  
t: 0131 313 8850  
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