

# LEWISHAM PARENT PARTNERSHIP SERVICE

## **AVOIDING TRIBUNAL**

Sometimes parents do not agree with the decisions or arrangements made by school or the Local Authority (LA) for their child's special educational needs (SEN). This may result in parents feeling the need to take action such as appealing to the Special Educational Needs and Disability Tribunal (SEND).

### **How disagreements can be resolved**

Parents who have a disagreement with a school or the LA can access support through the Parent Partnership Service (PPS). The PPS ensures parents are aware of their rights and children's entitlements in education. The confidential and impartial information and advice it provides helps parents be actively involved in any discussions and decisions about how their child's SEN will be met. It will also help parents express their views in any discussions relating to their child's SEN.

Parents can also access KIDS London Special Educational Needs (SEN) Mediation Service to resolve their disagreement with the LA or their school.

If a child has been refused/is going through the statutory assessment process or has a statement of special educational needs, the LA will inform parents of the mediation arrangements and the right to appeal to the SEN and Disability Tribunal.

### **What is mediation?**

Mediation is usually used to describe a process that empowers those involved in a dispute, or disagreement, to find a resolution that they can live with. A mediator manages the process, but does not influence the content.

Local Authorities have a statutory duty to ensure parents and carers of children with SEN have access to independent local arrangements for resolving disagreements.

At the beginning of the mediation process the facilitator will check that all the parties present have the power to authorise any changes that are agreed upon, (relevant LA Officer, Head Teacher etc). They will also make sure that those present will be responsible for checking that what has been agreed upon is being put into practice. All parties will be required to sign any agreement that is reached which will then become binding.

Lewisham Parent Partnership Service  
The Kabin, Forster Park School, Boundfield Road SE6 1PQ  
Tel: 020 8695 5955 Email: [lewishampps@pre-school.org.uk](mailto:lewishampps@pre-school.org.uk)  
Website: [www.lewishamparentpartnership.org.uk](http://www.lewishamparentpartnership.org.uk)

## **What the disagreement could be about**

The types of disagreement that may be appropriate to take to mediation between parents and the LA are:

- Refusal to carry out a statutory assessment.
- Refusal to issue a statement.

With regard to a statement;

- The parts that describe a child's SEN and the special educational provision that the LA think the child should get.
- The school named in part 4 of the statement.
- The LA not naming a school in part 4.
- LA refusal to reassess a child's SEN (6 month time frame).
- LA decision not to maintain a statement.
- LA decision not to change the statement after reassessing a child.
- Refusal to amend a statement after Annual Review.

The types of disagreements that may be appropriate to take to mediation between parents and schools are:

- Lack of schools response to parental concern over a child's difficulties.
- Lack of action taken to identify a child's SEN.
- Lack of support provided by school to meet the child's identified needs.
- Breakdown in communication between home and school relating to the decision making for a child's SEN.

## **The benefits for parents using mediation**

By accessing these local arrangements for resolving disagreements, whether it is through the PPS or the SEN Mediation Service, disagreements can be resolved early and informally, be acceptable to all parties and ensure the minimum disruption to a child's education.

## **If mediation does not resolve the disagreement**

If parents have not been able to resolve the disagreement with the LA about their child's SEN, they may be able to appeal to SEND. There is a two month time limit for lodging an appeal, which starts when the LA informs parents of its final written decision.

Whether or not parents decide to use either PPS or the SEN Mediation Service, they still continue to have the right to appeal to the tribunal.

Even if parents decide to send in an appeal they should continue to try and resolve the disagreement with the LA.

## **Making a case without mediation**

It is always important to keep the path of communication open with the LA. If parents disagree with the LA decision it is possible to continue to negotiate alone.

- Always inform the LA that you disagree at the earliest point.
- This should be done in writing to the SEN Casework Officer.
- State what you disagree with and the reasons why.
- Ask the school for any updated information as there may be a change in circumstances, which can then be attached to your letter.
- Add any new reports etc on your child which you have obtained from professionals since the previous request to the LA which it may not have had access to when making the original decision.
- Request a meeting with the SEN Casework Officer to discuss your concerns.
- Speak to your child's school Senco. Has all the strategies recommended by professionals been implemented.
- Is there extra support available?

The LA can reconsider its decision in the light of new information.

## **Further Contacts**

**Parent Partnership Service:** Independent information, advice and support for parents of children with Special Educational Needs. Contact details below

Lewisham Parent Partnership Service  
The Kabin, Forster Park School, Boundfield Road SE6 1PQ  
Tel: 020 8695 5955 Email: [lewishampps@pre-school.org.uk](mailto:lewishampps@pre-school.org.uk)  
Website: [www.lewishamparentpartnership.org.uk](http://www.lewishamparentpartnership.org.uk)