

Case study: SENDIASS support with mediation

This case study demonstrates how an IAS service provided mediation support to a young person with a diagnosed Specific Learning Difficulty.

This case study is about Danny age 13 and his parents Mary and Peter. Danny has a diagnosed Specific Learning Difficulty, which had been carried out by a private clinician.

March 2018: I was contacted by Mary after Danny had received his diagnosis and his parents had been in discussions with his school about the support they could provide him. The school had informed the parents that they could not fully implement the recommendations until Danny had an EHCP. Despite writing to the governing body of the school the family did not get any of the help that their son needed. At this time, I advised the family to write to the Governing body of the school and remind them of their duties under Section 66 of the C&FA, 2014. Mary wrote the letter to the school and waited for their reply.

May 2018: Mary contacted me again to say that the governors had agreed with the Head Teacher and would not be able to put any further support in place for Danny until the LA issued an EHCP. The school explained they were not able to make the application for an EHC needs assessment at that time as the interventions they were able to put in place had not been given enough time to be monitored for effectiveness. Mary and Peter felt that the school were stalling, and Danny would fall further behind. I supported the parents to navigate the C&FA, 2014 and the CoP to understand what support their son might be entitled to. I supported the parents with preparing their application for an EHC needs assessment, which was submitted at the end of May.

While waiting for the LA's response Mary began to investigate alternative provision for Danny's SpLD. A local specialist privately funded centre could offer 2 hours of specialist input each week, which both Mary and Peter were happy to fund themselves. However, the timing of the provision would require Danny to miss one hour per week on the same afternoon each week. The school refused to allow this.

June 2018: The LA refused the application for an EHC needs assessment on the grounds that school should be providing further support from their devolved budget. Mary took the LA's letter to the Head Teacher, who again refuted this and said there was no more the school do without additional resources.

Mary and I discussed her options, mediation and/or appeal. We talked about the benefits and downsides of both options and Mary felt that mediation could be a good way to get the school and the LA to speak to each other to benefit Danny. This was then duly arranged.

July 2018: Prior to the mediation meeting I met with Mary and Peter to think about and discuss successful outcomes from the mediation. We listed their priorities as 1) An EHC needs assessment would be agreed and 2) the school would allow Danny to attend the specialist provision. The mediation meeting was attended by the SEN Assistant Manager from the LA, the Head Teacher, the SENCo, Mary, Peter and myself. Danny attended for the initial 15 minutes and was able to explain to all present what he found difficult about school as well as the things he really enjoyed and was good at.

During the meeting the LA were able to clearly outline for the school the provision they were expecting to see in an EHC needs assessment application, school staff were able to tell the LA the difficulties they

were having with regards to accessing Educational Psychology advice and with implementing the recommendations from the diagnosis report as these were outside of the staff's skillset.

I was able to remind the LA that the legal threshold for the assessment was lower than any policy that they had set, and I hoped that all those present could keep Danny at the heart of any decision they took. Mary and Peter were able to tell the school and the LA about their desire for Danny to attend the specialist provision once a week, they were able to tell the LA and the school that they were very happy with what the school had been able to do but did accept that this was outside their expertise. During the meeting I was able to ensure that Mary and Peter had a break to think about what was being discussed and fully understood what was being suggested.

The outcome of the mediation was successful in respect that the school agreed to let Danny attend the private provision during school time for a specified timeframe, which was given as two full terms. The LA had offered additional Educational Psychology resource to the school to ensure that if after the period of intervention an EHC Needs Assessment was felt to be needed there would be more evidence to support another application.

Conclusion

This case study highlights that by engaging with the IASS this family were helped to understand their legal rights and the rights and responsibilities that both the LA and school had towards their son. It also gave Danny an opportunity to have his voice heard by those making decisions about his education. The family emailed in October 2018 to thank me for my help and to say that Danny had started at his specialist provision and was already making progress, which had also given him a huge confidence boost.

Summary

While initially this case may not have been too dissimilar to other cases that I have worked on, this was the first mediation for refuse to assess that I had been asked to be involved in. The mediation process gave the school and LA a chance to really get to understand the difficulties that they each faced and gave the family a chance to really put across how concerned they were about their son's education. Following on from this mediation, the LA have prepared a document for schools to clearly inform them what the LA will expect to see when an application for an EHC needs assessment is made. I do not believe that without the mediation meeting this would have been developed. The outcome for the family has also been positive. Danny has been able to access specialist provision that is making a difference to not only his education but also to his well-being.

From an IASS view point, up until this case I had thought mediation was not worth it for a refuse assess case. However, I am now much more able to see the positives in the process which means I am more able to help families reflect on if the process would be useful to them or if they would rather use their right to appeal straight away.