

EAST AYRSHIRE COUNCIL
EDUCATION COMMITTEE – 4 FEBRUARY 2003

PILOT MEDIATION PROJECT

Report by Director of Educational and Social Services

1. PURPOSE

- 1.1 To seek approval for participation in a national pilot project in mediation for parents of children with special educational needs.

2. BACKGROUND

- 2.1 Since January 2001 the national organisation Enquire which is funded by the Scottish Executive has been running a pilot mediation project in 5 local authorities. This pilot has been held to have been successful by the Scottish Executive and mediation has been included in the new draft bill that was announced by the Minister for Education and Young People at Grange Academy on 17 January 2003. It is therefore that the provision of mediation services will become a statutory requirement in the near future. Although not part of the national pilot, East Ayrshire has used the Enquire mediation service on one occasion where it was found to be helpful.

3. PRESENT POSITION

- 3.1 Authority staff, and particularly educational psychologists, headteachers and the quality improvement officer (SEN) spend a lot of time discussing with parents how best to meet their children's needs. This process is nowhere more important than in the drafting of Records of Needs and implementing the terms of these records. Experience has proved that the more effort is taken in discussing these matters with parents and young people then the easier it is to identify difficulties and remove barriers. The success of this strategy is apparent in that the number of SEN appeals is much lower for East Ayrshire than the national average. Similarly, the level of complaints to Enquire about East Ayrshire is significantly lower than for most other authorities.
- 3.2 However, despite these efforts it is sometimes the case that the authority and parents can differ on the most suitable provision for young people. Very occasionally, protracted discussions may not resolve these problems. It is in such situations that mediation can be useful.

4. PROPOSAL

- 4.1** East Ayrshire has been approached by the Govan Law Centre to form a partnership for mediation. In practice this would involve the use of a service that would be subject to evaluation within a project supported by the Scottish Executive.
- 4.2** Potentially, mediation services could be used in a number of areas:
- Records of needs
 - Transport
 - SEN provision in school
 - Exclusions
 - Placing requests
- 4.3** Mediation is a process during which a neutral third person (a mediator) helps people in disagreement or dispute towards finding a mutually acceptable agreement. A mediator does not make decisions or recommend solutions and there is no guarantee that the process of mediation will always lead to a solution. The outcome depends on everyone involved wanting to reach agreement.
- 4.4** It is envisaged that the mediation caseload in this authority will be about 1 or 2 cases per year. In all other situations the onus is on authority staff (and parents) to arrive at agreement by existing good practice.

5. POLICY/LEGAL IMPLICATIONS

- 5.1** Adoption of this proposal will assist the Authority in fulfilling its obligations in the future.
- 5.2** The Clerk to the Appeals Committee will require to be informed of this development. This will allow suitable cases heard at the Appeals Committee to be referred to Mediation in addition to the presently available disposals.

6. FINANCIAL IMPLICATIONS

- 6.1** There are no financial implications arising from this proposal.

7. RECOMMENDATIONS

- 7.1** It is recommended that Members :
- (i) approve this proposal for a mediation pilot; and
 - (ii) otherwise note the contents of this report

John Mulgrew
Director of Educational and Social Services

GRS/GRS
19 January 2003

Members requiring further information should contact Graham Short, Head of Schools, (01563-576089).

LIST OF BACKGROUND PAPERS

Nil

Implementation Officer: Graham Short