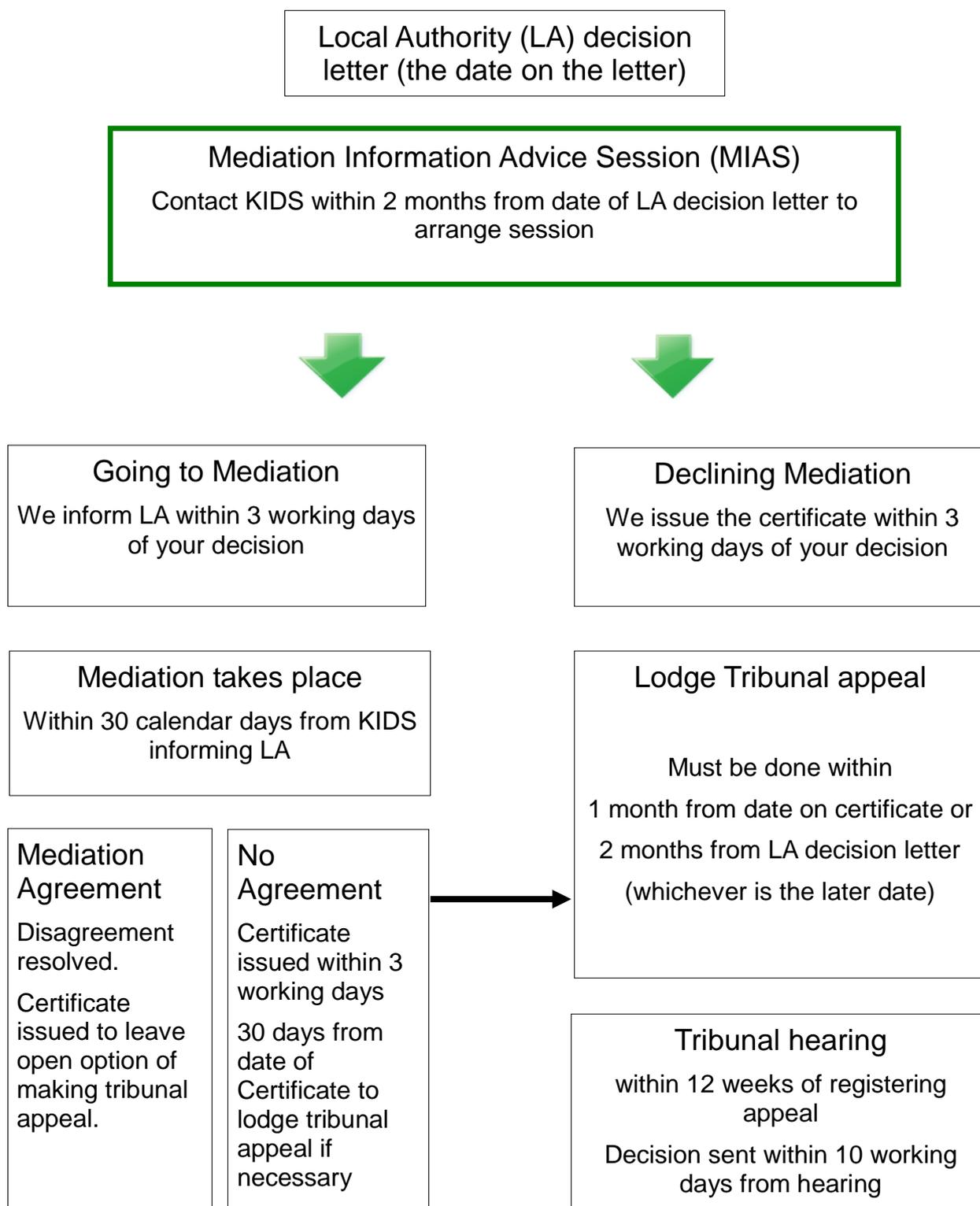


KIDS - Mediation Information and Advice Session (MIAS)



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. This is a brief overview and there are more explanations in the “Questions and Answers” section later on.



Mediation Information and Advice Session (MIAS) and the Certificate

Under the new law most people appealing to the SEND Tribunal have to have a Certificate to show that they have received information about Mediation (MIAS). The MIAS is usually done on the telephone and takes about 20 minutes.

You do not have to go to Mediation, just receive the information. This will give you a clear idea of the difference between Mediation and Tribunal and will help you chose which is right for you.

Please note that if the referral is for a young person above compulsory school age, MIAS should be done with the young person. If you think that this is not possible, please let the MIAS adviser know when you book your MIAS.

Key facts about Mediation

An independent trained SEN Mediator manages the Mediation meeting, which usually lasts between 2 and 3 hours. The Mediator makes sure everyone at the meeting can have their say and are listened to. Mediators are impartial and they do not take sides or impose decisions.

Mediation is about understanding the issues of the disagreement and trying to solve them. It brings together the people who know the child or young person. It is not about “who is right and who is wrong” and looks at the present and the future rather than the past. It is different to the Tribunal, where the panel hear the parties’ evidence and then make a legally binding ruling.

Mediation is free of charge and it is a quick and simple process. We make sure that the Mediation meeting takes place somewhere that is convenient for you.

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

What is said during a Mediation meeting is confidential and that includes your phone calls with KIDS and the Mediator. We cannot keep child protection concerns confidential however.

Usually people reach an agreement at mediation, which is put in writing 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. We issue the tribunal certificate within 3 working days of the Mediation meeting. This means that if you change your mind and decide you still want to go to Tribunal you have another 30 days to make your appeal.

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

Questions and Answers

Q: How long is the mediation advice session (MIAS) and how is it done?

A: MIAS takes about 20 minutes. The Advice session gives general information about Mediation, and you can ask any questions you may have. MIAS is usually done on the telephone.

Q: Who is the adviser?

A: All the advisers at KIDS are mediation trained or are SEN Mediators. The adviser will make sure that you have all the information you need to make a choice. They will not ask you details of your and your child’s specific situation. That is the role of your Mediator or Case Worker should you go ahead with Mediation.

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

A: Yes, it makes sense to take time to decide what is right for you and you may wish to ask us further questions.

Q: What happens to my tribunal appeal if my MIAS is after the 2 months' deadline?

A: That is fine as long as you have contacted us within 2 months from the Local Authority decision letter. Even if we can only arrange your MIAS after the deadline, you receive the Certificate which gives you another 30 days for lodging a Tribunal appeal.

Q: I have two months to lodge my tribunal appeal, so how quickly can mediation take place?

A: Have a look at the flowchart on the first page: Mediation has to take place within one month of us having told the Local Authority that you want to go ahead. We have three days to let them know your decision. If you have your MIAS soon after you received the Local Authority decision letter, the Mediation meeting could be arranged within 5 weeks of the letter.

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

A: No. And you can withdraw from mediation at any time and still make a Tribunal appeal by asking us to issue your Certificate. You also get a Certificate following Mediation which gives you 30 days to make your appeal if you are not satisfied with the outcome of Mediation.

Q: If I want my certificate right away when will I get it?

A: Within three working days of your MIAS.

If you questions have not been answered by this leaflet, please make a note here and ask your adviser at the MIAS