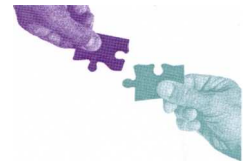


**Wessex Disagreement Resolution Service**  
 (Wessex Mediation)  
**Annual Report 2008–2009**



Important changes that will help Local Authorities obtain maximum value from the SEN Disagreement Resolution Service were introduced as part of the new 2 year contract to be administered by Torbay 2008–2010

- The changes made included:
  - the introduction of four training events each year
  - the introduction of three newsletters each year
  - the introduction of a bi annual contact with each nominated LA contact.

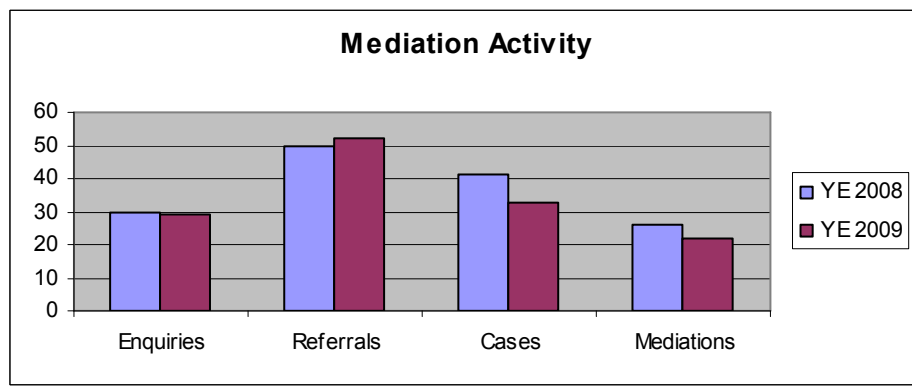
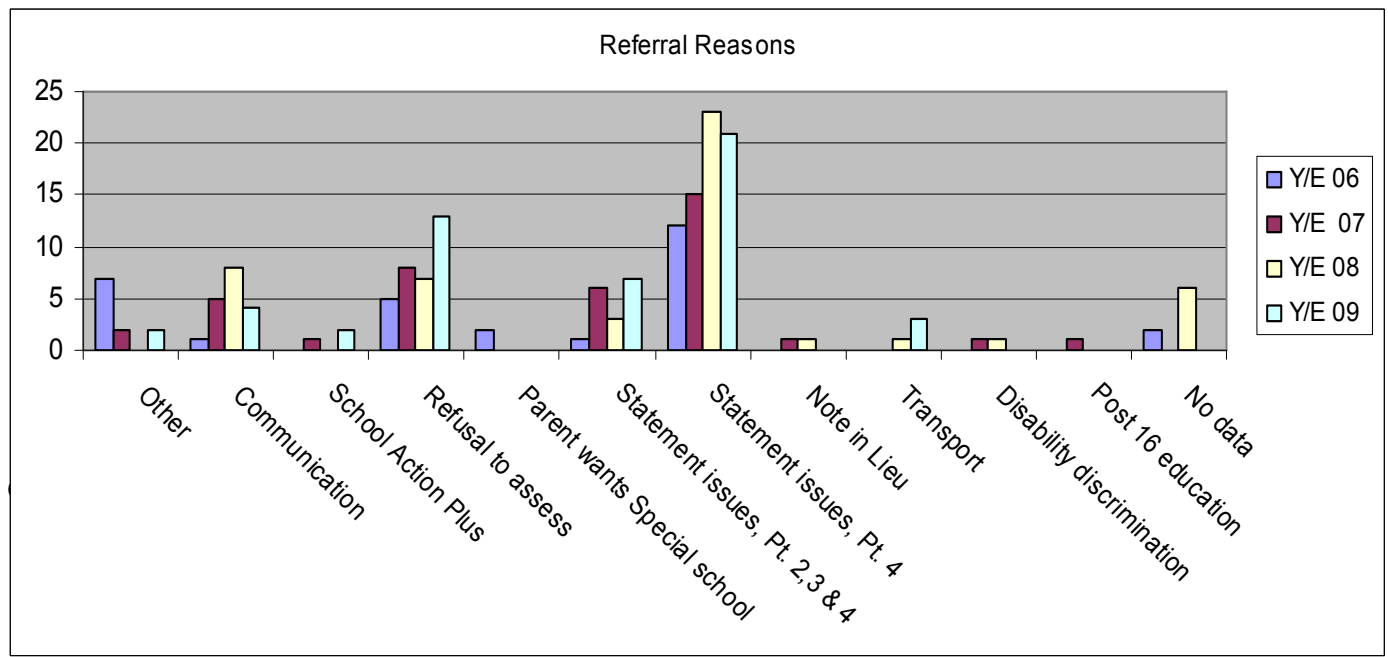
The effectiveness of the service is reviewed together with the additional performance indicators

Referrals from			Parties to mediation		
Parents	LEA	PPS	Parents	Schools	LAs
36 (42)	6 (6)	10 (2)	52 (50)	10 (8)	42 (43)

**Regional referral activity in 2009**  
 Whilst case volume remains the same, there has been a noticeable increase in the number referrals through the Parent Partnership Services. This has corresponded with a similar drop to those parents who have initiated the first contact with Wessex. Comparison for 2008 is encased in brackets .

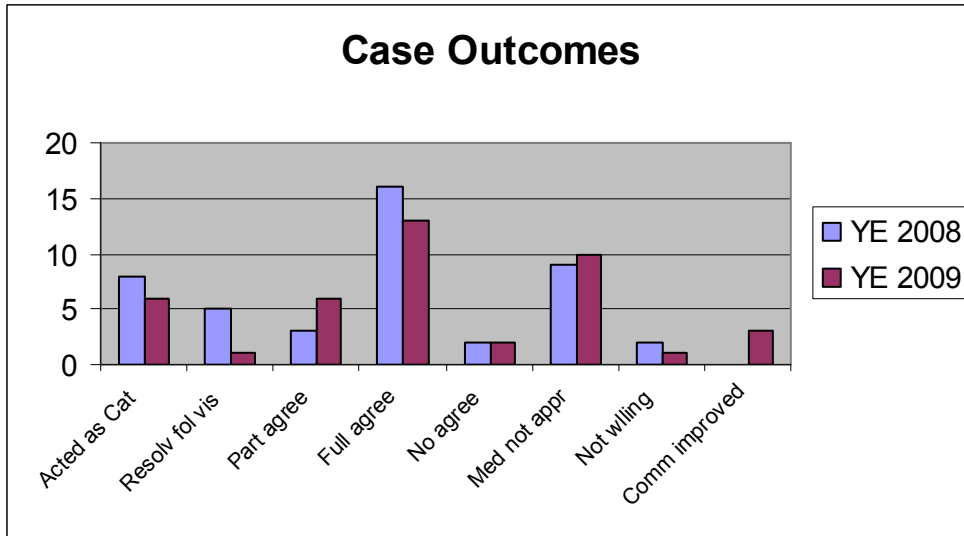
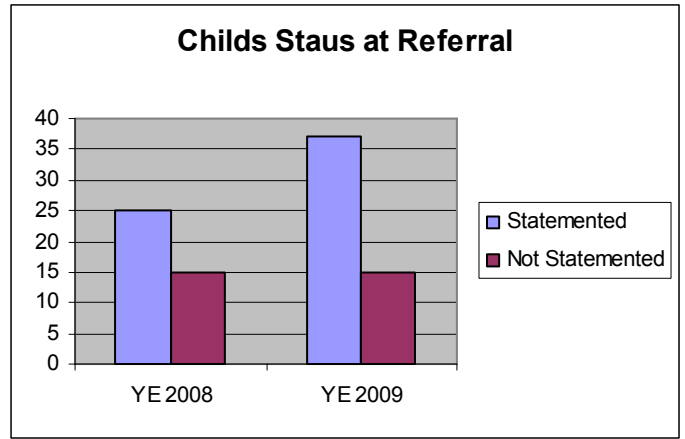
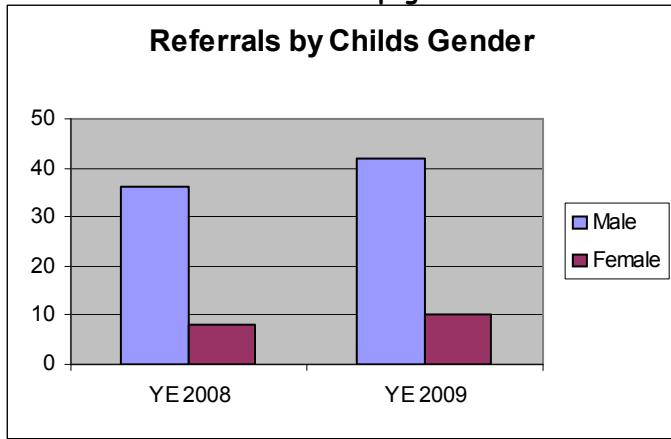
**Why do people access the service 2006–2009? (Below)**

From data gathered over the last four years we are able to provide a snapshot of “referral reasons” logged when the referral was first made. Some of the headings are quite broad, consequently parties will often have more than one reason for referring a case.



The adjacent Activity chart identifies,  
 Enquiries; A discussion with one party, normally a parent.  
 Referrals; possible casework, personal details taken and process commenced.  
 Cases; work carried out with the parties by the coordinator or mediator.  
 Mediations; mediator appointed and cost incurred by LA.  
 Further statistical data regarding gender of child, type of SEN for 08-09 is set out on the following pages.

Referral data continued from page One



**Case Outcomes .**

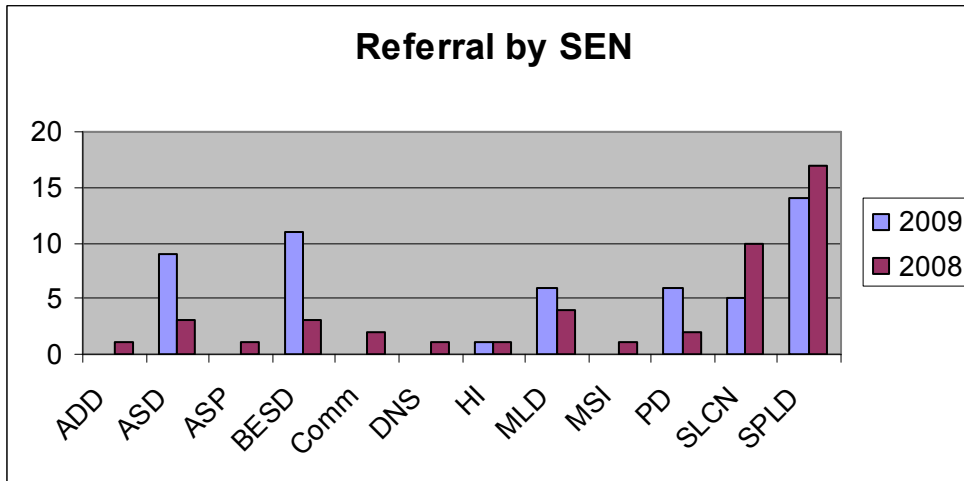
**Acted as a catalyst** -change of position following intervention: **Resolved following visit** - mediator appointed and parties visited:  
**Part agreement** - mediation meeting held - agreement on some issues:  
**Full agreement**- mediation meeting held - agreement on all issues:  
**No agreement** - mediation meeting held - no agreement reached:  
**Mediation not appropriate** - discovered following appointment of mediator:  
**Communication improved**—not recorded last year

**Chart Commentary**

**Childs Gender**—The high proportion of males presenting with SEN issues for mediation continues much as its done in the past.

**Childs status at referral** - clearly indicates an increase in referrals relating to children with statements.

**Case Outcomes**— There are 10 open cases in 2009 where outcomes are not yet known, as opposed to just 3 in 2008.



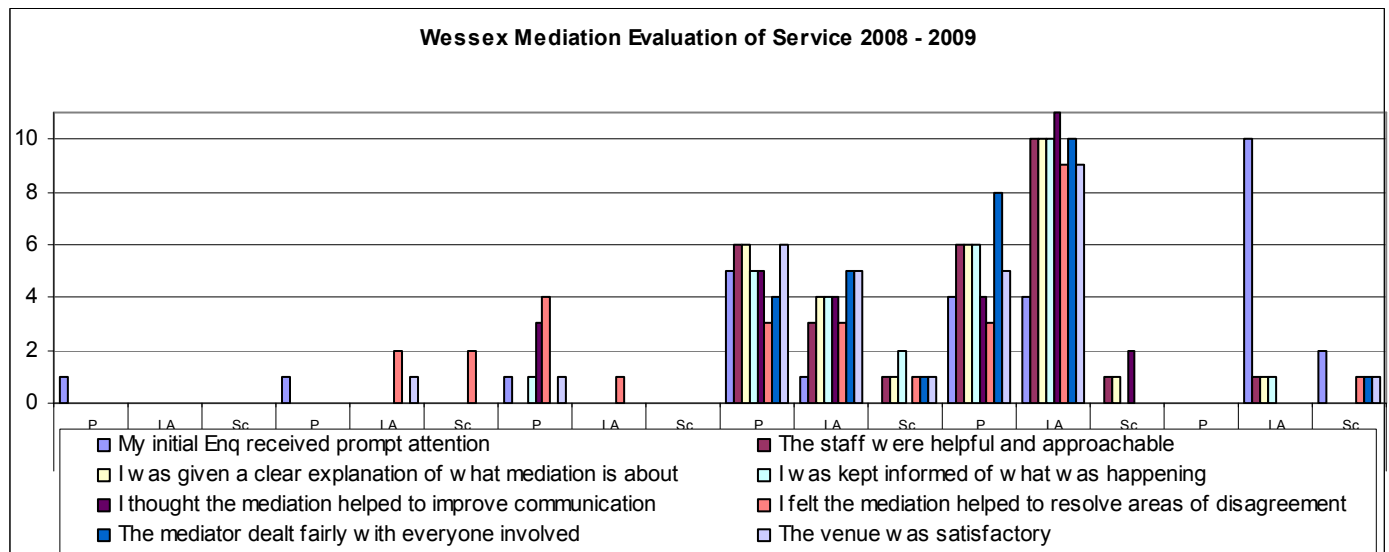
posed to just 3 in 2008.

**Referral by each SEN Code**— is not of a significant number to draw any conclusions other than to note the differences year by year.

**The service is now in its 8th year**, the valuable feedback on the following pages provided by participants indicates that the service does meet a need to provide a helpful independent vehicle for the resolution of SEN disagreements. During 2008/09 Wessex Mediation changed its structure and now has one Service Coordinator . However two intake workers continue to be available daily to receive telephone calls and assist service users, so there has been no impact upon the way SEN mediation is delivered. I would like to thank you all for your cooperation throughout the service year this has been invaluable in assisting us carry out our duties in a timely manner. We look forward to delivering the type of service that you are entitled to expect over the coming months.

## Evaluation of the service by participants

**Comments made by LA representatives:** "It is a very helpful process, particularly when parents are suspicious of LA": "Just an excellent & supreme service": "Will help my approach to resolving future disputes/difficulties": "I have learned much watching him in action": "My first mediation and a very positive experience we agreed wording and parents withdrew their appeal": "I felt it was a successful meeting that has lead to a positive way forward—that we will all be keeping under review".

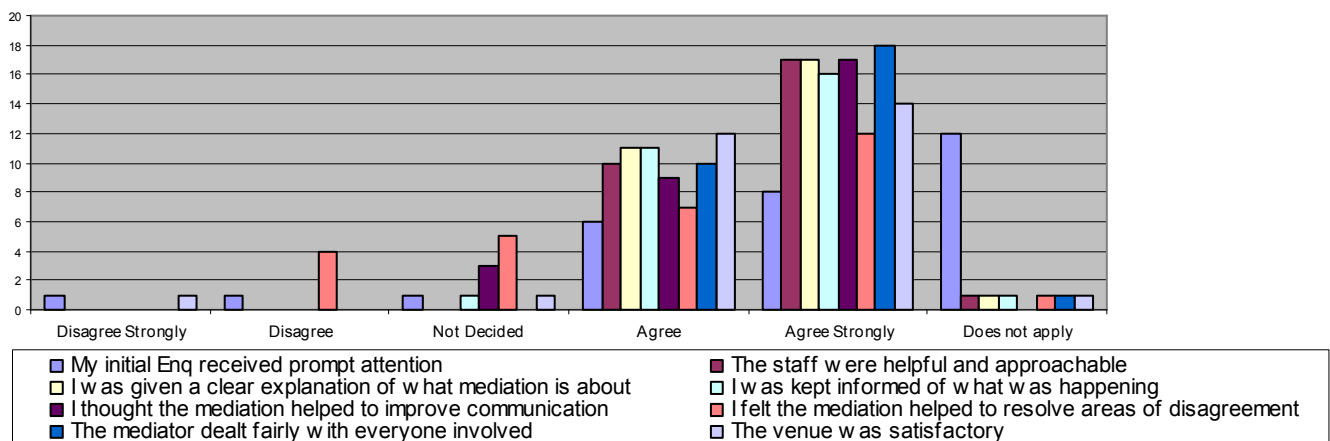


**Comments made by Parents.** "The situation would not have been resolved without the hard work and perseverance of the mediator": "She was fundamental in resolving our dispute": "I would have liked some follow up": "There was no real outcome at the end of the mediation": "Mediation can help in a deadlock situation": "Satisfactory in that all outcomes were achieved but by me!"

### Responses by Outcome

Participants to mediation will often solely relate to the "outcome" as to the effectiveness of the mediation process. therefore it is pleasing for us to note that generally there was a positive view of the service. The data relates to replies received for cases listed during the year 1st September 08 to 31st August 2009. The survey shows us that 96% of all respondents Agreed or Strongly Agreed that; Staff were approachable and helpful; they were given a clear explanation of what mediation was about and the mediator dealt with everyone fairly; 93% told us that they agreed or agreed strongly that they were kept informed: 89% said they thought the venue was satisfactory and that mediation had helped to improve communication: 65% of respondents stated that they agreed or strongly agreed that mediation helped to resolve areas of disagreement, 17% were undecided and 13% stated that mediation did not help resolve the disagreement.

### Responses by Outcome 2008 - 2009



As alluded to above in all fields of mediation participants relate the worth of the process to the outcome that they were able to achieve. For example the person may go away with a better understanding, able to communicate more effectively and have sorted some issues but human nature being what it is if the main issue did not go their way they can still be of the opinion that mediation was not worthwhile. However in our survey 19 (70%) respondents reported that mediation helped, 5 (18%) were undecided and 4 (15%) disagreed.



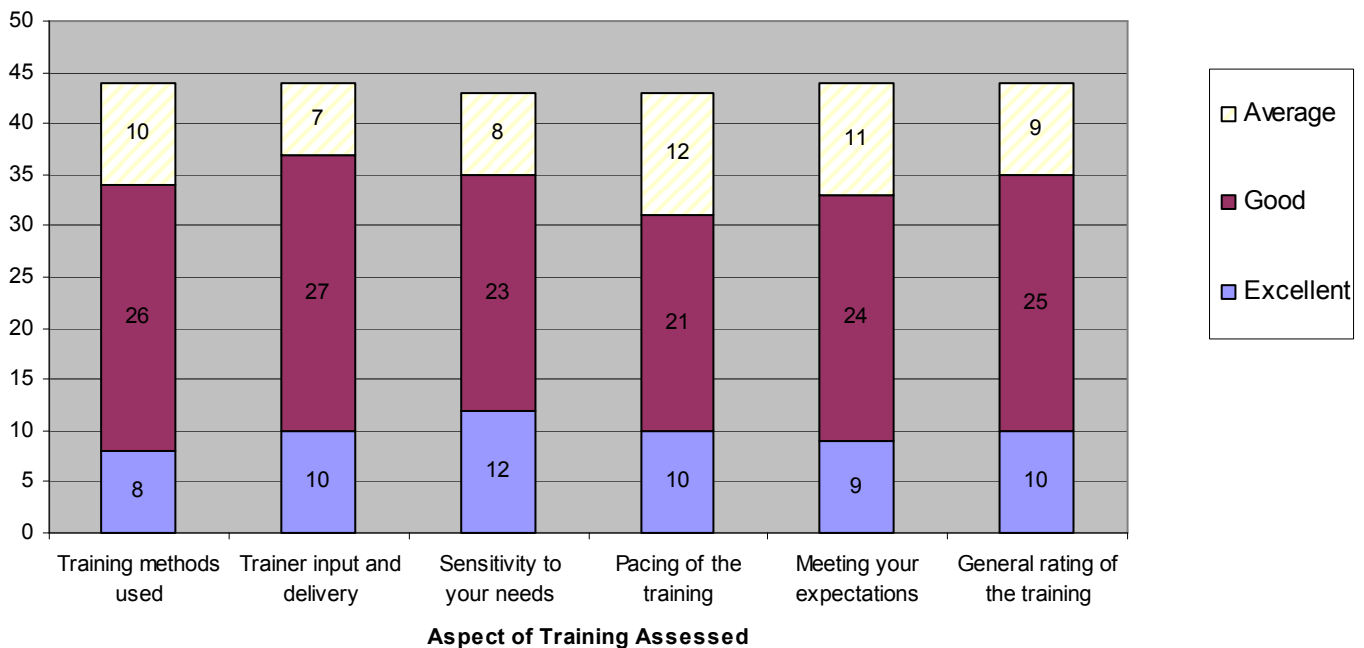
# Training Events and Evaluation

**Mediation Skills Workshops** (Dorchester & Bristol) proved to be the most popular with delegates according to the feedback provided by them. The workshop dealt with the personal skills used by mediators. They also looked at how our own individual journeys can influence our beliefs and how we are perceived by others.

**Exploring Case Studies and When to Refer** This took place in Taunton, the key ingredients for this workshop were - how mediation fits with the Parent Partnership, and when to refer. The group identified that whilst many Parent Partnerships use mediation skills to resolve disagreements, the formal process of mediation is a different thing altogether. Cross LA discussion provided opportunities for delegates to express views and opinions and learn from others in a safe environment.

**The Mediation Awareness Workshop**, planned to take place in Plymouth on 16 June had to be cancelled due to a shortage of delegates. The workshop was targeted at those in a supporting role who may not have any direct experience of SEN mediation but may come across parents who have a need in the future.

**Mediation Skills 2009 Delegate Evaluation  
Dorchester, Bristol and Taunton**



**Booking forms now available on line at [www.wessexmediation.co.uk](http://www.wessexmediation.co.uk)**

**Workshop dates**  
**Mediation Skills Exeter**  
**12/11/2009**  
 .....

**Awareness of the Service Dorchester**  
**04/03/2010**

## A review of training from the service providers perspective

This was the first year Wessex delivered training as part of the SEN contract. The providers observations are as follow.

- Arranging venues and gathering a delegate list proved more difficult than expected.
- The target audience / subject matter was not identified early enough to enable sufficient forward planning for delegates to be identified.
- In view of the need to cancel an event at a cost of £120.00 we have to ask the question "is there a need for 4 events? Also who picks up the cost when an event is cancelled?

These issues have been ad-

ressed in part by

- the early scheduling and marketing of events for 09/10 (see summer term newsletter)
- making an application form available on the Wessex website [www.wessexmediation.co.uk](http://www.wessexmediation.co.uk), click on downloads.

It is anticipated that each Advisory Group representative/ Authorising officer will circulate the training opportunity to those within their own authority.

### Did the training add value?

Wessex believes that the 44 delegates attending workshops had a better understanding of

mediation as a result of this initiative.

Some delegates will be able to manage conflict better as a result of attending the training.

Some delegates will be able use skills that enable them to remain neutral when they wish to do so.

More SEN workers are aware of the benefits of making a referral and have a better understanding of the process.

Please see the dates in the side panel for the next round of workshops.

8th October 2009 event had to be cancelled due to a lack of delegate applications.

## **A look at casework - Two cases where a mediation took place**

### **Case A** – Referral from Parent partnership, Child in a main stream primary school.

Presenting Issues: Refusal to Assess – SEN Code: MLD – Status of disagreement: Appeal lodged

Following agreement by the LA to enter into mediation with the Parent, Wessex wrote to the parties. The parents letter sought written authority to release the LA from its confidentiality in order that the mediator could discuss the case and look at the relevant information. Wessex told both parties in the letter that the mediator would contact them directly to make arrangements for an initial discussion with them (a party visit) before arranging a meeting with the LA and Parent (joint meeting). At the party visits it was identified that it would be beneficial if the “joint meeting” was attended by others with an interest in the resolution of the disagreement. This included the School SENCO, Parent Partnership person, and the Parent and Family Support Worker in addition to the parents, LA and Mediator, quite a gathering although a long way from a record!

After agreeing ground rules the parent spoke whilst the LA and others listened without interruption, the LA then spoke and the Parent and others listened without interruption. The mediator summarised after each had spoken and formulated an agenda of items for discussion.

It was acknowledged by all that the child's needs were not being met despite the best efforts of the school. The SENCO identified a method by which the child could be further supported in small groups at school that satisfied one of the parents concerns. The parent identified that the child found break times very difficult to manage and sought help from the school in management of his time in a positive manner. The school agreed to see what could be done to help resolution of this issue. It was agreed that there was a “special school” alternative but “small group working” was considered the best option. There was an issue of inappropriate behaviour that was discussed and possible referral routes were identified to help resolve this issue.

As a result of this facilitated communication and points of agreement, sufficient faith was restored for the parent to state that an appeal to SENDIST was no longer necessary. The LA was able to state that if the identified plan was failing the child, County would revisit the plan to further consider the best way forward. The LA provided a direct point of contact that the parent would write to in such circumstances.

### **Case B** – Referral from the Mother of a child in year 10 .

Presenting Issues: Disagreement about Statement: - SEN Code: MLD – Status of disagreement: Appeal lodged.

Parent did not agree with the Statement , had discussed it with the LA who stated (according to the parent) they were not willing to make the changes. However they would consider the issues and possible changes if it was part of a mediated agreement..

The LA agreed to the mediation when approached by Wessex. The same procedure as in example “A” was adopted. A Joint meeting was subsequently arranged with the Parent and LA.

The parties agreed to the meeting being “without prejudice” and confidential in terms of the discussion element of the meeting.

The meeting identified 7 points of action for the parent and the LA, this included 4 changes in content / wording of the Statement and 3 further actions by the LA and Parent..

Some of the action points related to the inability of the parties to communicate effectively with each other previously however as a result of the facilitated meeting with the inherent ground rules this became possible and three further actions were agreed outside of the Statement process that would be beneficial to the child.

Feedback—from the LA Officer indicated that it was the first mediation attended, was delighted with the outcome and that the Parent withdrew her Appeal. The LA officer also commented that the mediator was very skilled. Feedback was not provided by the Parent. **NB** Clearly mediation is not always successful however 86% of all joint meetings concluded with partial or full agreements.

**Key Performance Indicators Review  
2008–2009**

**KPI One**—Newsletter to be distributed 3 Times each Year

Achieved Spring and Summer

**Commentary :**

Newsletters completed and distributed Spring and Summer 2009, the revised issue dates of Spring, Summer and Autumn ( Mid November 09 ) were agreed with the Torbay by the contract manager .

**KPI Two**—Contact the Authorising Officer (AO) Twice in each service year to discuss any current issues

Achieved: Contacts made March and September.

**Commentary:**

The service provider thinks the communication is a worthwhile exercise and has been the catalyst for various matters of common interest to be raised. Making contact with the AO does prove quite difficult in some instances.

**KPI Three -Participation in training**

**Commentary:**

A total of 46 delegates participated in the workshops. The qualitative feed back is as provided on page 4 of this report

<b>Date of Training</b>	<b>Location</b>	<b>Subject</b>	<b>Numbers attending</b>
23 February 2009	Dorchester	Mediation Skills	20
16 March 2009	Bristol	Mediation Skills	11
12 May 2009	Taunton	How “mediation” fits with Parent Partnerships and Case studies	15
16 June 2009	Plymouth	Awareness for those not aware / need to know more about the Disagreement Resolution Service provided by Wessex	Cancelled—lack of numbers

**KPI Four**—Annual Report completed by August of each year.

**Commentary:**

The report is later than planned (end of September). I would request that with the year ending in August it would be helpful if the deadline was 30 September for 2010.

**Cases referred between 1-09-08 and 31 -08-09**

Local Authority	Prepurchased Cases	Summary			Cases Used	Current case status		
		Total number of referrals	Ongoing	Total closed		Seeking willingness for mediation	Initial visits	Joint meetings taken place
Bath & North East Somerset	2	3	1	2	2	0	1	0
Bournemouth	2	2	1	1	1	0	1	0
Bristol	6	5	0	5	4	0	0	0
Cornwall	6	4	0	4	4	0	0	0
Devon	6	6	0	6	2	0	0	0
Dorset	6	1	0	1	0	0	0	0
Gloucestershire	6	4	0	4	4	0	0	0
Isles of Scilly	1	0	0	0	0	0	0	0
North Somerset	2	5	1	4	3	1	0	0
Plymouth	2	0	0	0	0	0	0	0
Poole	2	3	1	2	2	1	0	0
Somerset	6	8	0	8	6	0	0	0
South Gloucestershire	2	0	0	0	0	0	0	0
Swindon	2	2	0	2	1	0	0	0
Torbay	2	0	0	0	0	0	0	0
Wiltshire	6	9	2	7	7	0	2	0
<b>All LEAs</b>	<b>59</b>	<b>52</b>	<b>6</b>	<b>46</b>	<b>36</b>	<b>2</b>	<b>4</b>	<b>0</b>

Outcomes	Mediation process started							Mediation did not proceed			
	Resolved following initial visits	Can't agree but comm. improved	Partial or conditional agreement	Full agreement	Unable to agree	No authority	Inappropriate for mediation	Acts as catalyst	Sign-posted elsewhere	Mediation not appropriate	No willingness for mediation
Bath & North East Somerset	0	0	0	0	1	0	0	0	0	1	0
Bournemouth	0	0	0	0	0	0	0	0	0	1	0
Bristol	0	1	0	2	1	0	0	0	0	1	0
Cornwall	3	0	1	0	0	0	0	0	0	0	0
Devon	1	0	0	0	0	0	1	3	0	0	1
Dorset	0	0	0	0	0	0	0	0	1	0	0
Gloucestershire	0	0	2	2	0	0	0	0	0	0	0
Isles of Scilly	0	0	0	0	0	0	0	0	0	0	0
North Somerset	0	0	1	1	0	0	0	1	0	0	1
Plymouth	0	0	0	0	0	0	0	0	0	0	0
Poole	0	1	0	1	0	0	0	0	0	0	0
Somerset	0	0	2	3	1	0	0	0	0	1	1
South Gloucestershire	0	0	0	0	0	0	0	0	0	0	0
Swindon	0	0	0	1	0	0	0	0	0	1	0
Torbay	0	0	0	0	0	0	0	0	0	0	0
Wiltshire	0	1	0	2	0	0	0	1	0	3	0
<b>All LEAs</b>	<b>4</b>	<b>3</b>	<b>6</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>8</b>	<b>3</b>