



Resolving Disagreements

Information for children and young people, for parents and carers, and for staff and other supporters, in and beyond school, based on Supporting Children's Learning: The Code of Practice (2010).

Advice for Parents, Young People and Schools

The process of consultation and collaboration, which underpins the way in which schools and the local authority will plan to meet a child or young person's additional support needs, should mean that any concerns are dealt with promptly and at an early stage. It is unlikely that there will be any long term disagreement.

Should a disagreement arise it is expected that it will be resolved at school level through continued discussion with the appropriate staff. Some disagreements may go on to involve officers of authority.

It is expected that only a small number of disagreements will need to go forward to formal review procedures. The 'Act' makes provision both for mediation services and arrangements for independent adjudication to resolve disputes. It also provides parents and young people with rights to refer particular matters to the Additional Support Needs Tribunals for Scotland.

The 'Act' makes it clear that it is the responsibility of the local authority to give young people, and parents, guidance on these processes.

Framework for Resolving Disagreements

School

School based staff (class teacher, additional support needs staff, senior school staff/head teacher) will take a solution focused, team approach to meetings and discussions with parents and pupils to resolve matters. The aim is to develop positive relationships and partnerships leading to the resolution of issues at school level.

Education Authority

If it is not possible to resolve the matter through discussion with staff at school, the issue should be referred to the local authority. In the first instance members of the staff team within the Education Department will provide advice/options.

If parents are still unhappy, education officer(s) will investigate the matter and issue a decision. In practice, almost all concerns are resolved at school or education authority level. If not, third party review may be required.

Independent Mediation Services

This is a voluntary process. Initial use is most likely at local authority level before the relationship breaks down but can also be used at later stages if appropriate. The aim is for both parties to reach a mutually acceptable solution.

Adjudication and Additional Support Needs Tribunals for Scotland

In the unlikely event that there is still a failure to agree, the matter may be referred for independent adjudication or brought to the attention of an Additional Support Needs Tribunal. The Head of Lifelong Learning and Inclusion can provide further information as required.

Action to Take

In the first instance any concerns should be directed to the school. The head teacher will advise parents and young people on the procedures for handling concerns and complaints.

Should a concern remain unresolved, the disagreement should be brought to the attention of the Head of Lifelong Learning and Inclusion, who will provide advice and options including instigating a formal investigation.

If the matter remains unresolved the Head of Lifelong Learning and Inclusion will recommend independent mediation and provide guidance on making reference to adjudication and the Additional Support Needs Tribunal.

Mediation

Mediation services can help families and authorities to build or rebuild a positive relationship, leading to co-operation in making arrangements for the child or young person. They can help avoid conflicts that arise out of misunderstandings or lack of shared information by helping parents, teachers, authority officials and others involved to communicate directly with one another. The overriding principle is that the disputing parties come to a shared agreement on how to resolve their disagreement themselves.

Independent Mediation

The 'Act' indicates that every education authority must make such arrangements as they consider appropriate for the provision of independent mediation services for the purposes of seeking to avoid or resolve disagreements between the authority and –

(a) parents of children belonging to the area of the authority, (b) young persons belonging to that area, or (c) in relation to any such young persons who lack capacity to express a view or make a decision for those purposes, their parents, concerning the exercise by the authority of their functions under this Act in relation to such children or young persons.

An agreement between Orkney Islands Council and Common Ground Mediation has been drawn up for the provision of mediation services under the terms of the Act.

Further Information

For further details and enquiries about resolving disagreements and mediation please contact:

Head of Lifelong Learning and Inclusion.

Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1NY.

Telephone: 01856873535.