

## Professional Standards for Mediators Working With Special Educational Needs & Disability (SEND)

This document outlines the professional practice standards for SEND mediators which have been developed with a variety of mediation providers and trainers, and approved by the Civil Mediation Council (CMC) and the College of Mediators (COM). With the support of the Department for Education (DfE), these standards have been reviewed and updated in 2023. They outline the requirements a mediator must meet in order to become a SEND Accredited Mediator, listed on the CMC and COM Joint Register of SEND Mediators. Registered mediators are recognised by the CMC and the COM as suitably qualified and trained to offer SEND Mediation.

The CMC and the COM are both independent standard setting bodies and offer membership to professional mediators working in a number of different contexts. Since 2018, these standards for SEND mediators have been overseen by the joint CMC/COM SEND Mediation Panel. The Panel is made up of Registered SEND Mediators as well as representatives of both the CMC and COM.

Separate information and guidance is available on the CMC and COM websites for parents or young people who wish to consider using mediation to resolve their issues. (See 'Information about SEND Mediation for Parents and Young People').

# CONTENTS

## Definitions

## Acknowledgements

### 1 Standards for Mediators

#### *1.1 Training*

#### *1.2 Professional Practice*

#### *1.3 Registration*

#### *1.4 Membership of a Professional Body*

### 2 Standards for Training Providers

### 3 Guidance for Mediation Provider Organisations

#### *3.1 Model of Service Delivery*

#### *3.2 Governance*

#### *3.3 Evaluation and Development*

#### *3.4 Access and Support for Service Users*

### 4 Appendices

#### *4.1 Appendix A: Guidance for Registering SEND Mediators*

#### *4.2 Appendix B: Content of Training Programmes*

#### *4.3 Appendix C: Flow Chart – Application to Accreditation*

## Definitions

**Mediation** is a process that offers parties in dispute an opportunity to discuss and explore their differences and reach an agreement, with the help of a trained, independent and impartial mediator. It offers a confidential, blame-free environment in which participants can contribute equally in finding a mutually acceptable solution.

In the context of SEND mediation, the option of mediation is available to parents and young people prior to lodging a formal appeal to the SEND Tribunal which concerns a decision made about an Education, Health and Care (EHC) Plan or an EHC needs assessment. In relation to certain local authority decisions parents and young people are required to consider mediation before taking out an appeal. Local authorities are required to participate in mediation where a parent or young person requests this.

**Disagreement Resolution** follows a similar process to statutory SEND mediation, however there are some differences: it provides a forum to address disagreements about any aspect of SEN provision, at any time. Disagreement Resolution is undertaken voluntarily by all those involved. A Disagreement Resolution Meeting is facilitated by a SEND Mediator. A party can request Disagreement Resolution where the right to statutory mediation does not apply.

**SEND Mediator** refers to a trained, registered mediator working in the SEND context who facilitates a constructive dialogue between the parties concerned and supports them to reach an agreement where possible.

**SEND Mediation Provider (SMP)** refers to organisations providing Mediation and Disagreement Resolution Services to parties and referrers.

**Sole Mediation Provider** refers to individuals providing Mediation and Disagreement Resolution Services to parties and referrers.

**Training Provider** refers to those who deliver SEND mediation training, whether as a sole provider or as a mediation organisation, and whose training is approved by the CMC or the COM.

**Professional Practice Consultant (PPC)** refers to experienced mediators trained to offer mentoring support and/or supervision.

## Acknowledgements

These standards were initially drawn up as a result of a collaborative working group of mediation and training providers supplying mediation in the SEND field. Grateful thanks go to the following organisations for their experience and their invaluable contributions:



## 1. Standards for Mediators

For a mediator to be listed on the CMC/COM Joint Register, they must demonstrate that they have received the appropriate training, have gained a level of experience after training and have had their work assessed by an experienced SEND mediator as meeting the required standards (detailed in Appendix A).

In order to maintain their position as a Registered SEND Mediator they must demonstrate that they keep up a level of practice annually, undergo professional development, reflect on their work and belong to a professional mediation body. These requirements are described more fully below.

### 1.1 Training

In order to be listed on the SEND register, mediators will be required to attend a specialised SEND Mediation training course, which provides the relevant contextual knowledge and elements of practice in this field. SEND specific training programmes must consist of a minimum of 12 hours' delivery and should be delivered by a provider recognised by the COM / CMC SEND Panel.

This is to be followed by a period of supported practice, which will be dependent on prior knowledge and experience. Upon registration mediators will need to demonstrate

- i) Competency in mediation skills
- ii) Knowledge of the relevant SEND Legal Framework

#### 1.1.1 Competency in Mediation Skills

Individuals applying to undertake specialised SEND mediation training must previously have attended a foundation course in mediation skills. Mediators should be able to demonstrate that the foundation programme was to a certain standard. This could be in a variety of ways: the training provider may be approved by a mediation standard setting body such as the Civil Mediation Council or the College of Mediators; or the programme may have been verified by a national organisation which awards vocational training qualifications such as the Open College Network or the Institute of Leadership and Management. In any case, mediators should be able to evidence that the course met the following criteria:

- 40 hours in length
- Covers the process and principles of mediation
- Develops skills through role play
- Contains a level of assessment through role play and written assignment

In most circumstances, it is expected that trained mediators will have practical experience of mediating cases before attending a course on SEND mediation. Where this is not the case, they will be expected to build their mediation experience through a lengthened period of supported practice after training and a Personal Development Plan agreed with their PPC or SMP. This will need to be completed before applying for registration (see *1.2 Professional Practice* below).

### 1.1.2 Knowledge of the relevant SEND Legal Framework

Specialised SEND Mediation training will cover some aspects of the legal context, particularly in relation to the mediation process. However, before registration as a SEND Mediator, applicants will be required to demonstrate a higher level of knowledge of the relevant SEND legislation, SEND Code of Practice, Guidance, Policy and Procedures which may be obtained through a variety of different routes, for example:

- attending training courses run by a recognised provider in the SEND field such as IPSEA
- guided self-study as part of a Personal Development Plan, agreed with a PPC or SMP
- prior SEND experience in another professional role

When applying to be listed on the register, the mediator will be required to pass an assignment set by the CMC / COM SEND Panel to assess knowledge of the relevant SEND legal framework.

### 1.2 Professional Practice

After having attended a specialised training programme, mediators will be required to engage in a period of supported practice to become registered.

As a minimum, this should consist of at least 16 hours of casework made up of a combination of the following:

- observations
- co-mediations
- assessed role play (where it is difficult to obtain real case experience)
- before finally, taking a lead on an assessed case

In addition, the practice period should include a minimum of 3 hours reflection on casework

It is recognised that individuals will enter this field of practice with varying degrees of confidence in either mediation skills, contextual knowledge or both. Therefore, after training a Personal Development Plan should be drawn up between the newly trained SEND mediator and their PPC, or SMP, which takes account of their current strengths and areas for development. The Plan should aim to support the mediator to take appropriate steps to arrive at a point where they can apply for registration.

Wherever possible mediators should build their professional skills by working on real cases. However, where it proves difficult to do this skills development can be undertaken through role play. Mediators may be able to do this for example, as part of team development sessions or by attending Professional Practice Days run by mediation providers. In order to apply for registration however, the mediator must be able to evidence that they have experience of acting as lead mediator in at least one real case.

Where a mediator has been recruited and trained by a SMP this professional practice period will take place internally. Where an individual has taken training from an external training provider, they will need to find opportunities to access practice and to find a PPC or mentor for their work.

Once a mediator has been able to observe and begins to work actively in cases there will be a continuous element of assessment and observation from co-workers and experienced mediators. During this time the mediator will demonstrate over a minimum of three cases that they have met the required standards and can apply the knowledge and learning from the taught programme. There should be opportunities for de-briefing after each case. Skills and areas for development can be recorded on the observation forms provided. These will contribute to an overall checklist of criteria to be demonstrated over the practice period (Appendix A: Guidance for Registering SEND Mediators).

### **1.3 Registration**

The period of practice will culminate in a final case, observed by an experienced mediator who has the authority to verify that they have reached a sufficient standard of practice to be registered using the criteria outlined in Appendix A. This may be an external PPC listed on the College of Mediators' register of PPCs, or an internal member of staff working for a Mediation Provider Organisation with the relevant experience.

#### **1.3.1 Applying for Registration.**

In order to apply for registration, the mediator will be required to submit:

- Form 4, signed by PPC / mentor / manager
- A write up of a case by the mediator using forms 1, 2 and 3
- Observation of the mediator by their PPC / mentor / manager using forms 1, 2 and 3
- Evidence of a Personal Development Plan
- An assignment examining their knowledge of the legal context
- A copy of their own, or the SMP's, complaints policy
- Details of their personal liability insurance
- Certificates of completion of the foundation and SEND Mediation Courses

### **1.4 Membership of a Professional Body**

In order to be registered as a SEND mediator the practitioner will be a member of either the Civil Mediation Council or the College of Mediators. This may be through individual membership, or in the case of the CMC, by sitting on the panel of a CMC Registered Mediation Service Provider. These bodies maintain a joint register of registered SEND mediators which is accessible to the public. A mediator may already be a member of one of these bodies for other mediation work they may perform, or they may join as a SEND mediator.

#### **1.4.1. Membership will be via one of two routes:**

- i. Individual membership: individuals apply and must be able to show that they meet the necessary standards and requirements in terms of training, practice, CPD, mentoring and reflection on practice. Individual applications are verified by a PPC.
- ii. Membership of a Panel: individuals work for a SEND Mediation Provider that is registered as a panel with the CMC and undertakes to ensure that all their panel members meet the

necessary standards and requirements in terms of training, practice, CPD, mentoring / supervision.

**1.4.2.** In order to maintain membership of a professional body mediators will be required to re-register on an annual basis.

Mediators are expected to maintain records of their mediation activity and to demonstrate how they regularly ensure their personal development through:

- reflection and learning on practice
- the identification of areas for improvement
- keeping up to date with changes in law or policy

Upon re-registration mediators will be required to:

- provide evidence of a minimum of 10 hours completed CPD activity
- verify that they have completed at least **three** mediation cases.
- verify that they have accessed a minimum of 4 hours mentoring support / supervision

Peer observation, team discussions and user feedback are all recommended as helpful ways to review personal practice.

CPD is an important element to ensure ongoing monitoring and learning. CPD can be completed through a variety of methods such as role play, reading, training, leading team discussion, attending conferences.

Both individual and panel applications are subject to annual renewal and spot checks to verify that these requirements are met.

A flow chart outlining the process from training to registration can be seen at Appendix C.

## 2. Standards for Training Providers

Training providers wishing to deliver courses that will enable mediators to become SEND registered must be approved by the COM or the CMC, through the assessor panel, whether as a Mediation Provider Organisation or as a sole training provider.

In order to gain approval training providers must demonstrate that:

- They have systems in place to provide high quality training including aims and learning objectives, an identifiable programme, a range of training techniques and methods of evaluation and review.
  
- The taught programme of 12 hours covers the necessary material under four main headings:
  - Legislative framework
  - Contextual knowledge of SEND
  - Mediation principles, practice and the conduct of cases

- Local processes and procedures

Further detail on content can be found in Appendix B: Content of Training Programmes

Training providers should bear in mind that delegates must complete a further 16 hours of professional practice and 3 hours of reflection before applying for registration. Where training is undertaken by the Mediation Provider Organisation it is expected that this will be provided internally. Where training is delivered by a provider whose primary role is mediation training (rather than the provision of mediation) they should provide the necessary information and guidance to trainees concerning the need to fulfil these practice requirements. Nevertheless, it remains the responsibility of the trainee to make their own practice arrangements and to bear any risk should this be difficult to find.

### 3. Guidance for Mediation Provider Organisations

This section outlines the minimum requirements that Mediation Service Providers are expected to meet in order to provide a service of high quality. The following expectations have been set by the Civil Mediation Council & College of Mediators to ensure a robust model of delivery is applied consistently and that service user experience is equitable across the sector.

These expectations relate to four fundamental aspects of service provision:

- Model of Service Delivery
- Governance
- Evaluation and Development
- Access and Support for Service Users

These expectations apply to the provision of both Mediation Services and, where applicable, Disagreement Resolution Services as described in the SEND Code of Practice 2015.

#### 3.1 Model of Service Delivery

1. Once the Parent or Young Person (PYP) has made an enquiry to the SEND Mediation Provider (SMP), the SMP should deliver the Mediation Information and Advice Service (MIAS) **within 3 working days**, depending on the PYP's availability.

MIAS meetings must fulfil the requirements set out in the following:

- *Children and Families Act 2014*,
- *Special Educational Needs and Disability Regulations 2014* (see Part 2 Children and young people with special educational needs: Mediation)
- *Special Educational Needs and Disability Code of Practice 2015*.

These meetings should be adapted to meet the particular needs of the PYP.

2. If, following (or during) the MIAS, the PYP makes the decision to proceed with mediation, the SMP must:



- a. Make a referral to the LA **within 3 working days** of being informed of this decision.
  - b. Assign the case to a mediator, who will contact the PYP to arrange a pre-mediation conversation **at least 10 working days** before the date for the mediation (unless the mediation has been arranged at shorter notice, in which case the mediator must arrange the pre-mediation conversation at the earliest opportunity).
3. In preparation for the mediation, the mediator will make all reasonable efforts to arrange pre-mediation conversations with the key participants, including the appropriate LA Officer and representative/s of the educational institution/s (where applicable). The objective is for the mediator to clarify the issues, help the participants to identify relevant information, explain the process and prepare the participants, in order to increase the likelihood of a mutually acceptable outcome at mediation.
  4. The mediator should respond promptly to correspondence from any of the participants and be prepared to share information between them (with their agreement) prior to the mediation, if doing so is in the best interests of a successful resolution to the case.
  5. The mediator should consult with the PYP and LA about who to invite to the mediation. When doing so they should ensure that each party is fairly but not over-represented. Regulation 38 of The Special Educational Needs and Disability Regulations 2014 sets out which participants may attend mediation. (Further guidance is provided in the case of *Kumar v London Borough of Hillingdon [2020]*). The attendees should be agreed in advance of the mediation, or, subject to/applying regulation 38.
  6. The mediator can decide on attendees where agreement cannot be reached.
  7. An appropriate amount of time, usually a **minimum of 90 minutes**, should be booked for the mediation meeting. This is usually not more than **two hours**, but there may be complex cases where more time is needed, and in these cases the duration of the meeting should be agreed in advance. Reasonable adjustments for additional needs will sometimes require a flexible approach to the format, process and timing of the mediation.
  8. The mediator should record all points of agreement between the participants in drafting an Action Plan or Outcome Statement ('Mediation Agreement') and should use wording agreed by them. The Mediation Agreement should be shared with all the participants **on the same day** if possible, or by the next working day at the latest.
  9. All agreed actions in the Mediation Agreement should be **SMART** (specific, measurable, achievable, realistic, and time-bound), and compliant with timeframes specified in *regulation 42 of the Special Educational Needs and Disability Regulations 2014*
  10. The mediator should strive to ensure all parties are treated fairly and equally. On occasion, the mediator may test parties' positions and statements to ensure a safe and fair process.
  11. The mediator and SMP should work to the following principles:
    - **Independence:** any mediation or disagreement resolution provision must be independent of local authorities or relevant health commissioners. No one who is directly employed by a local authority or a health commissioner should act as a mediator. The mediator should not represent any of the parties to mediation at later proceedings relating to the dispute.

- **Impartiality:** neither staff nor mediators should have any role in deciding outcomes of cases or any vested interest in outcomes. They should not take sides, give legal advice or impose solutions.
- **Confidentiality:** The content of the discussion at mediation is confidential, except where: a) there is clear agreement by all participants to share points of discussion outside of mediation; b) safeguarding issues arise; c) the mediator has reason to believe that there has been criminal activity. Additionally, the mediator should not share information between parties without consent.

### 3.2 Governance

3.2.1 Direct referrals to mediation and disagreement resolution services can be made by young people, parents and carers or third-party referrers.

3.2.2 Mediation Service Providers should:

- comply with the Children and Families Act 2014, the SEND Regulations 2014 and have regard, where appropriate, to the SEND Code of Practice 2015 in all aspects of service delivery.
- comply with all requirements of the EU General Data Protection Regulation (GDPR).
- have a safeguarding policy that complies with current legislation and guidance. Providers should ensure that safeguarding children, young people and vulnerable adults is central to their provision. All staff and mediators should have accurate, current training on safeguarding procedures and how to report concerns within the organisation and to external agencies.
- work to the Codes of Conduct laid down by the Civil Mediation Council and the College of Mediators, as applicable.
- only use mediators listed on the Civil Mediation Council and the College of Mediators SEND Register.
- have a complaint and dispute resolution policy available online.
- ensure that Equality and Inclusivity are reflected in policies and practice.
- have adequate insurance cover in place to insure itself against any claim that it has negligently administered a mediation.
- have clear lines of internal accountability and responsibility.

### 3.3. Evaluation and Development

Mediation Service Providers should continually strive to improve service provision by:

- demonstrating ongoing work with service users and stakeholders to promote and develop good practice.
- having a development plan which sets out clear targets and is reviewed regularly.

- implementing an evaluation procedure which enables/encourages service users to provide feedback about the service in an easily accessible form, covering all parts of service delivery, and provides a prompt response.
- reviewing case progress to monitor and quality-assess procedures and outcomes.
- utilising the information gained through evaluation and review to improve internal procedures and mechanisms of delivery.
- collating feedback to share with Local Authorities, Integrated Care Boards and other stakeholders, as appropriate, to contribute to the development of SEND outcomes, policies and practice.
- ensuring that mediators and staff have the necessary level of support, professional practice development and training to be up to date with the changing demands of SEND mediation.

### ***3.4. Access and Support for Service Users***

Mediation Service Providers should ensure the service is accessible to all potential users and take steps to:

- make reasonable adjustments to the regular delivery of the service where the particular needs of users and participants may otherwise prevent them taking part.
- provide clear explanations of the methods and processes used by the service.
- promote and demonstrate ongoing engagement with young people, parents and carers.
- use various methods of communication and engagement to maximise the effective participation of young people, parents and carers.
- use various methods to ensure the views of children and young people are included in the mediation meeting.
- support all participants to feel confident and knowledgeable about the process prior to the meeting.
- signpost to support and advocacy services where appropriate.
- ensure that sensitivity and respect towards co-workers, children, young people, parents, carers and all other participants underpin the work of the service at all levels.
- have a robust case management system in place to ensure that all duties in the service level agreement are carried out promptly, comprehensively and efficiently.

## 4. Appendices

### Appendix A: Guidance for Registering SEND Mediators

The forms in this document are intended to be used to support the process of registering a SEND mediator. They cover all the necessary requirements to meet the standards laid down by the College of Mediators and the Civil Mediation Council and should be read in conjunction with them. They provide a checklist of the skills and knowledge required to be a competent SEND mediator and which need to be demonstrated throughout the practice component of SEND mediation training.

When using these forms, it is helpful to bear in mind the following:

- It is expected that skills and knowledge are acquired over time by working in a number of cases with different mediators. It may well be that not all the criteria are met within each case, but they should be demonstrated over the whole period. The forms can be used to record observed skills and identify gaps in practice. Together, they provide an evidence base.
- They are intended to be used flexibly bearing in mind variations in practice e.g. different providers involve mediators in the preparation and set up of a mediation case to varying degrees. The forms can be adapted to reflect these variations though key mediation skills and contextual knowledge components should remain.
- Practitioners working towards registration will usually be experienced mediators. The main purpose of this process is to assess: knowledge of the SEND context and ability to apply it; familiarity with service procedures and the model used; advanced mediation skills, particularly working with groups and balancing a wide range of needs and interests.

There are four forms in total:

1. Pre-Mediation Form
2. Mediation Form
3. Post-Mediation Form
4. Registration Form

Forms 1 to 3 can be completed by the mediator themselves and/or anyone who is working alongside the mediator and observing their practice, or offering support or feedback. This could be a co-mediator, a PPC, a regional manager or a service director as appropriate.

A set of these forms should also be completed, anonymised and submitted by the mediator and the PPC / mentor / manager to write up their case study for registration purposes.

Form 4 certifies that a mediator has met all the training and practice requirements to apply for registration as a SEND mediator. It should therefore be signed by someone who is themselves an experienced SEND mediator, has observed them at least once, has played a specific role in mentoring the new mediator and supported them to reflect on their practice.

<p style="text-align: center;">FORM 1</p> <p style="text-align: center;"><b>PRE-MEDIATION</b></p>	<p><b>Mediator:</b></p>	<p><b>Co-mediator / PPC /Manager/ Mentor:</b></p>	<p><b>Date:</b> 1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Case</p>
<p><b>Process Management</b></p> <p>Make initial contact with parties</p> <p>Identify issues for mediation</p> <p>Screen for safety and suitability</p> <p>Determine:</p> <ul style="list-style-type: none"> <li>- information required from whom</li> <li>- who should attend the meeting</li> </ul> <p>Ensure child’s or young person’s views are incorporated appropriately</p> <p>Explore the active participation of the child or young person in mediation</p> <p>Establish informed consent</p> <p>Ensure timescales in the Regulations are met</p> <p>Organise meeting date, time, venue as required by the service</p> <p>Ensure the mediation is accessible to those with specific needs</p> <p>Inform participants</p> <p>Prepare for obvious sticking points</p> <p>Maintain accurate records as required by the service</p>	<div style="text-align: center; opacity: 0.2; font-size: 48px; transform: rotate(-30deg); pointer-events: none;">             Form Consultation           </div>		
<p><b>Skills and Knowledge</b></p> <p>Engage effectively with all parties</p> <p>Build trust and rapport</p> <p>Listen actively: reflect, summarise, show understanding, clarifying</p> <p>Explain mediation process, principles, mediator role</p> <p>Apply confidentiality appropriately</p> <p>Demonstrate impartiality at all times</p> <p>Challenge appropriately</p> <p>Give information about SEND Tribunal + COP</p> <p>Signpost where necessary</p>			

<p>FORM 2</p> <p><b>MEDIATION</b></p>	<p><b>Mediator:</b></p>	<p><b>Co-mediator / PPC /Manager/ Mentor:</b></p>	<p><b>Date:</b> <b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Observation</b></p>
<p><b>Process Management</b></p> <p>Arrive punctually to prepare room / online environment</p> <p>Carry appropriate forms</p> <p>Conduct pre-meetings as required</p> <p>Establish arena (incl. ground rules)</p> <p>Manage introductions</p> <p>Clarify confidentiality</p> <p>Establish issues for each party and agree a mutual agenda</p> <p>Allow time for issues to be explored</p> <p>Ensure a child or young person is supported + the mediation is accessible to them.</p> <p>Assist in the identification and evaluation of potential options</p> <p>Build and secure agreement</p> <p>Manage time</p> <p>Offer breaks as appropriate</p> <p>Use separate meetings effectively</p> <p>Confirm outcome + next steps</p> <p>Issue of mediation certificate</p> <p>End mediation if necessary</p> <p>Close positively</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">For Consultation</p>		

<p>FORM 2</p> <p><b>MEDIATION</b></p>	<p><b>Mediator:</b></p>	<p><b>Co-mediator / PPC /Manager/ Mentor:</b></p>	<p><b>Date:</b> <b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Observation</b></p>
<p><b>Skills and Knowledge</b></p> <p>Engage effectively with all parties</p> <p>Create a safe environment:</p> <ul style="list-style-type: none"> <li>- Positive welcome</li> <li>- Offer reassurance</li> <li>- Explain what will happen</li> <li>- Show confidence</li> </ul> <p>Listen actively: reflect, summarise, show understanding, clarify</p> <p>Ensure all have opportunity to speak</p> <p>Ensure the views of the child or young person are considered and understood</p> <p>Facilitate constructive exchange</p> <p>Build understanding</p> <p>Manage interruptions + high conflict</p> <p>Acknowledge emotion</p> <p>Address power imbalance</p> <p>Navigate through the process</p> <p>Maintain impartiality</p> <p>Challenge appropriately</p> <p>Reality test proposals</p> <p>Apply knowledge of SEND context</p> <p>Work within an ethical framework</p> <p>Agree confidentiality and how it is to be applied in this situation</p> <p>Write clear SMART agreement</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">For Consultation</p>		

<p>FORM 3</p> <p><b>POST-MEDIATION</b></p>	<p><b>Mediator:</b></p>	<p><b>Co-mediator / PPC /Manager/ Mentor:</b></p>	<p><b>Date:</b> <b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Observation</b></p>
<p><b>Process Management</b></p> <p>Send out final agreements or other paperwork in a timely way</p> <p>Complete case records</p> <p>Close file</p>			
<p><b>Skills and Knowledge</b></p> <p>Communicate clearly with all parties and ensure the process is accessible</p> <p>Clear feedback to service</p> <p>Close case in a timely manner</p>			
<p><b>De-brief and Supervision</b></p> <p>Key strengths</p> <p>Key breakthrough points</p> <p>Key challenges and learning points</p> <p>Discussion of outcome</p> <p>Identification of</p> <ul style="list-style-type: none"> <li>- Skills gaps</li> <li>- Knowledge gaps</li> </ul> <p>Plan for meeting learning needs</p>			



<p>FORM 4</p> <p><b>Application to be a REGISTERED MEDIATOR</b></p> <p><b>Special Educational Needs and Disability</b></p>	<p><b>Mediator:</b></p> <p><b>PPC /Manager/Mentor:</b></p> <p><b>Date:</b></p>
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This is to certify that *name of mediator* has successfully completed the required training and gained the necessary experience to practise as a SEND Mediator.

Please complete the details below to confirm that all requirements are met:

- Foundation Training in Mediation** (minimum 40 hours)  
Date of training: \_\_\_\_\_ Training Provider: \_\_\_\_\_
- Specialised Training in SEND Mediation** (minimum 12 hours)  
Date of training: \_\_\_\_\_ Training Provider: \_\_\_\_\_
- Casework** (minimum 16 hours)

	Dates	No. of hours
<b>Observations</b>		
<b>Co-mediation</b>		
<b>Assessed role play</b> (if required)		
<b>Lead mediator</b>		

- Reflection on Practice** (minimum 3 hours)
- Completed assignment on SEND legal framework**
- Personal Development Plan** (completed with a PPC / SMP)

**Please confirm that you are submitting the following with your application:**

- Training Certificates for foundation and specialised SEND training
- Forms 1, 2 and 3 giving details of an anonymised case completed i) by the mediator ii) by the PPC / SMP
- Assignment on SEND Legal Framework
- Personal Development Plan

**Signed:**

**Mediator**

**Date:**

**To be completed by PPC / SMP**

I, *Name of observer*, confirm that *name of mediator* has:

- completed the required training and casework hours
- has undertaken a minimum of 3 hours reflection on their practice
- has achieved a high standard of practice
- has met all the necessary standards of the College of Mediators and the Civil Mediation Council to be registered as a SEND Mediator.

**Signed:**

**Manager / PPC / Mentor**

**Date:**

## Appendix B: Content of Training Programmes

Training providers seeking approval from the College of Mediators or the Civil Mediation Council will need to demonstrate that their training programmes incorporate the following content.

The training should consist of four distinct modules:

1. The legislative framework
2. Contextual knowledge of SEND
3. Mediation practice and the conduct of cases
4. Local processes and procedures

Each of these modules should cover the content outlined below, though some aspects will be covered in greater or lesser detail according to the prior experience of the participants. It is therefore left to the discretion of the training provider to decide the extent and depth to which different topics are covered.

Each module should incorporate opportunity for participants to reflect on their learning, identify the impact of new learning and consider future training needs.

### Module 1: Legislation and Guidance

**Module 1 should signpost the learner to the following pieces of legislation and guidance, highlighting as appropriate how they could be applied to different contexts:**

#### Key Legislation

- Children and Families Act 2014
- SEND Regulations 2014 and the SEND Code of Practice 2015
- Mental Capacity Act 2005
- Safeguarding legislation

#### Supplementary Legislation

Children Act 1989

Equality Act 2010

Care Act 2014

Mental Health Act 1983, 2007

Chronically Sick and Disabled Persons Act 1970

Human Rights Act 1998

Working Together to Safeguard Children 2018 (updated July 2022)

Self-reflection and implications for personal development

It is expected that the key primary legislation would be covered in some detail while supplementary secondary legislation might be referred to and signposted.

## Module 2: Contextual Knowledge SEND

### Module 2 should cover the following topics

- Voice of the child or young person
- Language and definitions associated with SEND
- Understanding families and the processes by which SEND is identified
- How SEND support is structured and provided – the graduated response
- Role of professionals and who the child or young person is likely to engage with
- Types of SEND – general overview/awareness (signposting as can be explored in more detail as part of CPD process)
- Reasonable adjustments
- Education, Health and Care plans
- Integrated Care Boards. [NHS England » Integrated care boards in England](#)
- Self-reflection and implications for personal development

## Module 3: Mediation Practice and the Conduct of Cases

### Module 3 should cover the following topics

Preparing for mediation: facilitating information exchange and clarifying agendas

Working with children and young people with SEND

Children and young people participating in mediation

Voice of the child

Authority to settle issues in SEND

Managing multi party meetings

Power balancing in SEND mediation

Agreement writing in SEND context

Working with advocates

Child protection

Mental capacity

Legal context:

Duties of LA education and schools

Duties on post 16 and FE

Duties of health and social care providers

First-tier Tribunal (Special Educational Needs and Disability)

**Case studies** should be used to provide examples of key issues that typically require mediation.

- Self-reflection and implications for personal development

## Module 4: Local Processes and Local Procedures

### Module 4 should cover service specific processes and procedures as appropriate to the local context:

- How the mediation provider works as an organisation
- LA local processes and the SEND Local Offer
- Self-reflection and implications for personal development

## Appendix C: Flow Chart: From Application to Registration

