

REPORT TO: EDUCATION COMMITTEE – 17th MAY 2004

REPORT ON: ESTABLISHMENT OF MEDIATION SERVICE

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 319-2004

1.0 PURPOSE OF REPORT

1.1 This Report describes why it is necessary for the Education Department to establish a mediation service, and the nature of the proposed service.

2.0 RECOMMENDATIONS

2.1 The Education Committee is recommended to:

- i. approve the participation of Dundee City Council in a partnership between Dundee City, Angus and Perth & Kinross Councils and the independent organisation *Parent to Parent Tayside*, to provide a mediation service; and
- ii. to instruct the Director of Education to evaluate the impact of the service and report back to Education Committee in due course.

3.0 FINANCIAL IMPLICATIONS

3.1 The cost of entering into partnership with *Parent to Parent Tayside* is minimal (travel and other necessary expenses) and can be met from the department's revenue budget.

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 These proposals are designed to ensure that all young people and families have access to a recognised service that aims to facilitate the resolution of disputes.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 This report describes a service that will help to remove barriers from the educational process for young people with additional support needs and their families.

6.0 BACKGROUND

6.1 Since the Education (Scotland) Act 1980, Councils have been under a duty to make provision for youngsters with 'special educational needs'. The new Education (Additional Support for Learning) (Scotland) Bill sets out a common framework for any child who has additional support needs, as a result of some disability, learning difficulty, or social or other circumstances affecting learning. The new Bill extends the scope of the legislation to other groups, notably children with social, emotional and behavioural problems affecting their learning, looked after children, children

from ethnic minorities and other groups, including some children whose first language is not English.

- 6.2 The Bill proposes a new duty on education authorities to provide a mediation service to help the parents and carers of children or young people with additional support needs when they have concerns about what the education authority is providing. This service must be independent and free of charge.
- 6.3 Mediation is a method of conflict resolution that enables people who seriously disagree to reach a mutually acceptable solution with the help of an impartial third party – the mediator. The mediator assists communication, encourages understanding and focuses the participants on their individual and common interests. He or she works with the participants to explore options, make decisions and reach their own agreements in a prompt and confidential manner.
- 6.4 The aim in introducing mediation is to ease the resolution of disputes, avoiding the breakdown of the relationship between parents/carers and the school or education authority. Either party is able to access the service. The use of mediation is encouraged, and the Scottish Executive expects parents/carers to have tried this avenue before resorting to any appeals process. However, whether parents have tried mediation or not does not affect their right to appeal, nor should it influence the outcome of that appeal.
- 6.5 There are organisations in Scotland who are offering mediation services on a commercial basis, but Dundee City Council Education Department, along with colleagues in Angus and Perth & Kinross Councils, has had preliminary discussions with a local independent organisation, *Parent to Parent Tayside*, with a view to establishing a partnership between it and the three local authorities.
- 6.6 Dundee City Council Education Department has enjoyed very harmonious and productive working relationships with *Parent to Parent Tayside*. The organisation has engaged in very worthwhile work with individual schools and parents/carers, either in an advisory capacity or acting as advocates for parents. It was also commissioned recently to survey the views of all parents/carers of children at Kingspark School regarding proposals to build a new school. Finally, since 2002 it has successfully piloted a mediation service in conjunction with Perth & Kinross Council. The organisation is a member of *Mediation UK*.

7.0 PROPOSALS

- 7.1 It is proposed that Dundee City Council, in conjunction with its neighbouring Councils in Angus and Perth & Kinross, should enter into a partnership with *Parent to Parent Tayside* to provide a mediation service under the auspices of the new Additional Support Needs Bill.
- 7.2 Once agreement has been reached that mediation is the way forward, papers will be prepared and passed to one of a body of volunteer mediators, all of whom have experience of the education system and have undertaken mediation training in the area of additional support needs.
- 7.3 The service will be fully evaluated at the end of the first full year, and a report prepared for the Council.

8.0 CONSULTATION

8.1 This report has been subject to consultation with the Chief Executive, Depute Chief Executive (Support Services) and the Depute Chief Executive (Finance).

9.0 BACKGROUND PAPERS

9.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above Report.

ANNE WILSON
Director of Education

14th April 2004

JC/DD