

Date 15 October 2020

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**SEND Mediation – Shropshire**

**Invitation to join an approved provider list**

Submission 1 November 2020

**Shropshire Strategy and Development Plan**

**for the provision of education of children and young people**

**with special educational needs and / or disability (SEND)**

*Our vision sees Shropshire children and young people with SEND that are healthy, happy and safe, and able to achieve their full potential with support from a strong partnership between families, the voluntary sector and service commissioners.*

**1. Introduction**

Local authorities must make arrangements for parents and young people to receive information about mediation so that they can take part in mediation if they so choose before a possible appeal to a tribunal. (source: SEND Code of Practice: 0-25, DfE & DH 2015)

In our local authority area, we currently have 2033 children and young people with an Education, Health and Care plan. In the last 3 years, typically 18-20 families have accessed the existing mediation service in one year. We expect this number to increase in the future.

Mediation usually takes place at a neutral venue, which is convenient to everyone involved. More recently, due to Covid-19 restrictions, mediation has increasingly happened online. This practice is expected to remain in place in the foreseeable future.

**2. What we want to achieve:**

We want to establish a approved provider list for independent mediation in the context of SEND. By independent we mean not directly employed by the council or the Shropshire Clinical Commissioning Group (CCG). We want to publish the contact details of approved providers on our Local Offer website, to give parents a choice of mediators to contact.

The list will be valid from 15 November 2020 until 31 December 2021 in the first instance.

**3. Requirements for providers**

a) Provide information about mediation

The Code of Practice (CoP), 2015 gives guidance for this requirement in sections 11.21-25.

The mediation information which is given to parents and young people:

• should be factual and unbiased, and

• should not seek to pressure them into going to mediation. Where there is more than one available, the mediation adviser should not try to persuade the parents or young people to use any particular mediator.

b) Provide mediation about matters which can be appealed in a tribunal

The Code of Practice, 2015 gives guidance for this requirement in sections 11.26-30.

A mediation session or sessions which arise out of these arrangements must be

conducted by independent mediators.

c) Provide mediation information and mediation on the health on the health and social care elements of an EHC plan

The Code of Practice, 2015 gives guidance for this requirement in sections 11.31-37.

d) Mediators must have sufficient knowledge of the legislation relating to SEN, health and social care to be able to conduct the mediation. They must work independently of the council and Shropshire CCG.

More guidance for effective practice is given in section 11.38 of the CoP, 2015.

e) Provide mediation information and mediation within the statutory timelines.

Provide the associated documents to parents.

f) Mediators will work with vulnerable young people and/or vulnerable adults. The provider must comply with the local safeguarding children and adult practice, namely

<https://westmidlands.procedures.org.uk/>

<https://shropshire.gov.uk/shropshire-choices/i-need-help/keeping-adults-safe/a-guide-to-adult-safeguarding-in-shropshire/>

g) At the end of each mediation, mediators are required to produce a summary report, outlining

- a brief overview of what the mediation was about

- recommendations and actions agreed, timescales agreed, and who is responsible for completing actions.

The summary is circulated to all parties to check for accuracy and signed by all parties. A final summary report is sent by the mediator to each party. The summary reports will contain personal data about the parties involved. The mediator will seek consent for data sharing and comply with GDPR regulations for sharing, storing and disposal of personal data.

Once a year, mediation providers are required to produce an annual report, which supports a discussion about learning from council and mediation perspective to understand the reasons for requests for mediation and enable ongoing improvement.

h) Demonstrate that they can meet these requirements and other council requirements through this invitation to quote. The costs quoted here will apply for the duration of the approved provider list.

i) The council will require a minimum of three months’ notice from providers to be removed from the list.

**4. How the approved provider list will work**

* From 15 November 2020, the council will publish a brief introduction and the contact details for each approved provider on our SEND Local Offer website and in other communications with parents.
* Parents will be able to contact their preferred mediator.
* The mediator will contact the council when mediation has been requested or a certificate has been issued without mediation taking place. The council will generate a purchase order number for each mediation. This number has to be included on the mediator’s invoice. The council’s SEND case manager subsequently approves the invoice as a check that the mediation has taken place.
* The council will pay the providers cost monthly in arrears, subject to a satisfactory invoice. By satisfactory invoice we mean an invoice which contains the following information:
  + Council Purchase Order number
  + Service provided: mediation and/or certificate issued
  + Name and contact details of mediator
  + Name and contact details of council representative
  + Date when mediation took place
  + Name of child
  + Costs (including VAT) & Payment instructions
* The council will review the effectiveness of this arrangement in September 2021 at the latest, to decide a future arrangement.
* The use of this approved provider list may end on 31 December 2021.

**5. Next step**

If you wish to be considered, please complete the following proposal form and email it to

[Julia.Dean@shropshire.gov.uk](mailto:Julia.Dean@shropshire.gov.uk) (SC, Service Manager SEND)

[Marion.Versluijs@shropshire.gov.uk](mailto:Marion.Versluijs@shropshire.gov.uk) (SC, Commissioning Development Officer)

We expect potential applicants to provide a competitive quote, which demonstrates value for money. The council reserves the right not to appoint, if quotes do not meet our requirements.

For further information contact: Julia Dean 01743 254563

Marion Versluijs 01743 253795



**SEND Mediation – Shropshire**

**Information required for invitation to quote**

|  |  |  |
| --- | --- | --- |
| **Provider Information** (insert below heading) |  | |
| **Name & type of your organisation**  **(Including registration or charity number)** | | |
| **Address (Including website)** | | |
| **Name of contact person:**  **Telephone:**  **Email:** | | |
|  | **Commissioner evaluation** | |
|  | Meets our needs?  Y/N/Partial | Comments &  Justification for rating |
| **About your organisation** |  |  |
| Provide evidence that your organisation has the experience & skills referred to in sections 3-4 to complete this project successfully *(max 1500 words – refer to each requirement):*  [Insert here] |  |  |
| **About your proposal** |  |  |
| Describe the practical steps your organisation would take to achieve the outcomes and deliverables of this project. Your response should demonstrate that you have considered the local context and current position.  [Insert here]  Describe how families and the council access your service.  [Insert here] |  |  |
| Describe the requirements for the council on which your proposal relies.  [Insert here] |  |  |
| Describe your unit cost per mediation: this should include all associated costs, including any travel and/or venue costs. Your quote needs to include VAT.  [Insert here]  Describe how you have derived your unit cost.  [Insert here] |  |  |
|  |  |  |
| **Provide names, roles, email addresses and telephone numbers of two references, for whom you have done comparable work.** |  |  |
| **Other information in support of your quote**  (including added value)  (maximum 500 words): |  |  |
| **Please sign here to validate your quote and to confirm that you have understood and are in a position to meet all the requirements relating to your expression of interest:**  **Signature**:  **Print name:**  **Date:** |  |  |