

Case studies: School level negotiation and mediation

These case studies are based on practitioner experience and research. All cases are anonymised.

Case 1: local negotiation at school level

Mrs D's son Raghid was fifteen years old, in mainstream secondary school but with a history of frequent exclusion since nursery. His diagnosis was disputed; the consultant paediatrician believed he had the symptoms of Asperger's Syndrome, but the school identified him as a child with behavioural difficulties. Mrs D had refused a placement in a special unit on the grounds that he was clever and generally polite, though easily agitated. She felt that her son had been badly let down by the education service, which failed to act on the numerous plans which were drawn up. She believed that auxiliary staff had inadequate knowledge and training, and as a result inappropriate confrontational tactics were often used, leading to further exclusions. She was often called away from work to remove her son from the school and felt that the school blamed her for her son's difficulties. Mrs D had finally decided to use a more formal dispute resolution approach, probably the tribunal, to resolve the ongoing difficulties in her son's education. However, this was unlikely to achieve a positive outcome, since Raghid was nearing the end of compulsory schooling.

Case 2: mediation and adjudication

Graham M was identified as having autistic spectrum disorder at three years of age, a diagnosis which was later modified to Asperger's Syndrome. His primary education was relatively successful but problems arose at secondary school where the demands of the curriculum were much greater. Mrs M requested an Individualised Educational Programme, but did not feel that the document was sufficiently detailed. She also felt that the support base was not meeting Graham's needs, since despite his social difficulties he was academically able. Having unsuccessfully attempted informal negotiation at school level on the advice of the educational psychologist, she requested independent mediation. The meeting took some time to arrange, but, according to Mrs M, 'It achieved nothing to be quite honest' because the council officials who attended were not budget holders and could not authorise any additional support.

Mrs M subsequently requested adjudication, which largely supported her request for additional support. Recommendations were made to the council with regard to assessment, planning and provision. However, she described the subsequent meeting with the school as 'a farce' since she felt there was no intention of implementing the recommendations. Mrs Meikle was aware that making a reference to the tribunal was a possible option, but feared victimisation so decided not to pursue the dispute any further. Ultimately, Mrs M believed people's intentions were good, but there were simply not enough additional resources in the system to meet needs.

Case 3: mediation

Paul was diagnosed with autistic spectrum disorder and language difficulties at nursery school. His parents requested a placement in a language unit attached to a mainstream primary school, and were disconcerted to receive a standard letter from the council informing them that a decision had been made to place Paul in a special school which they did not believe was appropriate. They asked to know on what basis this decision had been made, and were upset when the council refused to provide any information about the decision-making process. They even wondered whether there had been some mistake and their child had been confused with another of the same name.

Frustrated at the lack of communication, the parents requested mediation, with little expectation that anything would be achieved. Shuttle mediation took place, with the mediator conveying the parents' concerns to local authority staff. Even before the full mediation meeting occurred, a place was offered in the language unit which the parents had initially requested. The parents were highly satisfied with this outcome, and recognised the support they received from both the mediator and the educational psychologist.

Case 4: mediation

Mrs W was very concerned about Billy, her P2 son who had been labelled as having 'autistic tendencies' but no clear diagnosis, because she noticed him falling further behind his peers. Because of poor communication between home and school, there was no forum for regular meetings to discuss Billy's educational needs and plan for next steps. The relationship between the parent and the head teacher had broken down, with the head teacher describing Mrs W. as 'aggressive', who in turn described him as not approachable and 'a bit of a bully'. She had submitted a complaint about him to the local authority.

A mediation meeting allowed Mrs W and the head teacher to have a calm productive conversation without 'winding each other up'. They agreed to put the past behind them and to try to develop a better working relationship for Billy's sake. The head teacher explained the system of regular six-weekly meetings with input from appropriate people, e.g. educational psychologist, speech and language therapist etc. They agreed a mutually convenient time and date for the first of these meetings. They also agreed a route for Mrs W to raise any future concerns in a way that would not re-escalate any bad feelings between the two adults.

Case 5: mediation

Becky attended the Autistic Spectrum Disorder (ASD) Base at her local school. Aged 13, she lived with her mum who has mental health issues. Staff at the ASD Base were encouraging Becky to be independent and to attend as many mainstream classes as she could, but Becky was finding this difficult and wanted to spend more time in the Base. When the mediation service got involved, Becky was refusing to go to school and Mrs L was finding the situation very stressful. She was phoning the Base regularly and shouting at the staff, who in turn found that very difficult.

At mediation it became clear that Becky was giving staff at the Base and her mum very different messages. At home she was complaining, crying and refusing to go back to school, but in the Base she told staff everything was OK. The mediator helped Becky understand that she had a role in causing the difficulties between the adults and that her mum might get into trouble if she continued to be absent from school. Strategies were agreed to help Becky feel reassured and more confident at school, and better channels of communication were agreed for Mrs L to raise any concerns. Becky returned to school.

Questions for discussion

- (1) What do these case studies reveal about the causes of poor communication between parents and schools/local authorities?
- (2) Do the case studies suggest what can be done to improve communication between parents and schools/local authorities?
- (3) Under what circumstances is mediation useful in resolving disagreements?
- (4) Are there any types of disagreement which do not lend themselves to resolution through mediation?
- (5) Is there a danger that parents may negotiate away their legal entitlements and what can be done to counter this potential problem?
- (6) Why has mediation not been used more extensively in Scotland and what can be done to increase its use?