

**Dispute Resolution and Avoidance in Education:
A Study of Special and Additional Support Needs
in England and Scotland**

Parent Case Studies

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Introduction

The purpose of this paper is to provide a brief overview of the parent case studies. As noted in the main conference briefing paper, six local authorities were identified, with varied approaches to meeting the needs of children with SEN/ASN and with different policies and practices in relation to dispute avoidance and resolution. Following invitations to participate in the research issued by the LAs, and, in Scotland only, by the research team, 49 case studies were conducted of parents who had recently been involved in disputes with the local authority. Interviews were conducted with the parent(s) and, where possible, with significant others such as educational psychologists and learning support teachers. We were interested in the nature of the dispute, why parents chose a particular approach to dispute resolution, whether they were aware of, and had considered using, other dispute resolution mechanisms, and how satisfied they were with the outcome. The way in which parents' social characteristics (e.g. socio-economic status, ethnicity, geographical location) influenced their approach to and experience of dispute resolution was also of interest. We first present brief vignettes of the six local authorities before presenting summaries of six cases illustrating a range of strategies. The case studies are summarized in Tables 1 and 2.

Parents' rights in the field of additional support needs

The main purpose of the case studies was to understand the extent to which parents were able to challenge local authority decisions on the distribution of resources, and this needs to be placed in the broader context of parents' rights in the field of SEN/ASN. In the immediate post-war period in England and Scotland, parents had very little say over the education of their children with special educational needs. They were compelled to bring their children into clinics for assessment by medical officers, who would subsequently decide, in conjunction with education officers, on the appropriate form of educational provision (see Riddell, 2006 for further discussion). From the 1970s onwards, with the advent of child centred education, it was increasingly recognised that parents played a very important role in their children's educational development, and in the Warnock report (DES, 1978) they were granted partnership status in decision-making. The Conservative Government's educational reforms of the 1980s cast parents not just as partners, but as drivers of the market, in that their choices, in theory if not in practice, would determine what type of educational provision would flourish or dwindle (Tomlinson, 2001). Within managerialist and consumerist discourses, which gained growing currency in the 1990s, parents also occupied an important position, with rights to information on performance and targets set out in a range of charters which employed the rhetoric of safeguarding consumers' interests against the vested interests of service providers. From a very different philosophical position, the growth of the disability movement from the 1980s onwards established a discourse of rights, which recast disabled children as having the same rights to education as their non-disabled peers, with parents acting as their proxies, using routes of redress to ensure that rights were enforceable.

The citizen-consumer has featured prominently in New Labour's social policy and Clarke et al. (2007) discuss the implications of this hyphenation, pointing out the complexity and contested nature of both terms. In relation to citizenship, as noted by Lister (2003), there continue to be disagreements over the areas of life in which the rights and entitlements of citizenship should hold sway, and who should be counted as a citizen. For example, in the field of education, it is evident that parents are accorded greater rights than children, even though, as argued by Harris (2005), these rights tend to be weak. Similarly, the consumer has been viewed through a variety of lenses (Trentmann, 2006), sometimes regarded critically as an individualist seeking to capture scarce or valued resources, or alternatively as a champion

of collective mobilisation against the vested interests of goods and service producers such as the food or automobile industry, or the providers of public services such as health and education. Direct payments, for example, were promoted by the disability movement on the grounds that the social services which were ostensibly serving the needs of disabled people were, in reality, geared towards protecting the interests of public sector workers.

Earlier analysis of decision-making in relation to special educational needs provision and practice in England and Scotland (Riddell et al., 2000, 2002, 2003; Riddell, 2006) suggested that parents tended to have greater power in England than in Scotland. Under the terms of the 1994 Education Act, a Code of Practice was instituted in England which specified the procedures which professionals must follow in order to comply with legislative requirements. This legislation also established the Special Educational Needs Tribunal, which gave parents access to a quasi-judicial system of appeal. At about the same time, parent-partnership services were established in each local authority, with a remit to work with parents of children with special educational needs to try to minimise the possibility of conflict. As noted above, similar, although not identical, measures were put in place a decade later in Scotland, under the terms of the Education (Additional Support for Learning) (Scotland) Act 2004, which instituted a range of dispute resolution mechanisms including adjudication, mediation and the Additional Support Needs Tribunals for Scotland. Mediation has also been strongly promoted in England as an alternative route to the tribunal.

Local Authority Profiles: England

Before considering some brief case studies of illustrating parents' use of dispute resolution mechanisms, we first present pen portraits of the six local authorities.

Northborough is a very rural local authority with an older than average population. While the population is less well qualified than the average, a higher than average proportion is economically active and in employment (especially self-employment). This LA has a lower than average proportion of pupils with SEN but a slightly higher than average statementing rate (this has remained quite consistent over the years at between 3 and 3.2%). In pockets of this LA, the PPS is well used and effective, however in other parts of the LA, the PPS has a limited role and impact on disputes. Northborough has had a consistently below average rate of appeals to the SENDIST. The mediation service is run by a neighbouring local authority and is paid for on a case by case basis. The number of mediations had fallen in recent years because the previous mediation provider was slow and inefficient. Information about the new mediation provider had not yet filtered through to parents via LA and PPS staff. The LA staff claimed that they were always willing to meet with parents, although parental experience suggests otherwise.

Southside, an inner city London authority, has a very diverse population with a clear division between the affluent part of the local authority and the poorer parts. The LA has a high number of BME residents and those born outside the UK. The population is younger than average (especially in the 20-29 range) and is highly educated. There is a high employment rate, and a high proportion of the population work in professional/managerial and associate professional/technical occupations. A relatively high proportion of the school population had been identified as having SEN, but a relatively low proportion have statements of need. Since 2001, the number of SENDIST appeals had fluctuated and recently the rate of appeals was higher than the national average. The LA used the same mediation provider as introduced under the regional partnership arrangements but negotiated its own separate contract. The number of mediations was very low and LA staff were ambivalent with regard to its utility and effectiveness. The PPS in this LA did not appear to be well regarded by parents, and the LA had recently awarded the contract to another provider. The LA made great efforts to communicate effectively with parents and tried to implement the Code of Practice's recommendations in its resourcing strategy. According to LA officers, there was a willingness

to review decisions and provide additional information, but there was a perception that parents were reluctant to negotiate and were keen to appeal to the tribunal. Many disputes concerned placing requests to special independent schools. There was an active voluntary organisation which distrusted mediation and the PPS.

Middleshire is a mixed local authority with large rural areas and many large towns. A higher than average proportion of the population is white and UK-born. A lower than average proportion of children was identified as having SEN and there was a big fall in the statementing rate over the last few years. Middleshire had a large well established PPS with a high case load and which played a key role in dispute resolution. The PPS also ran training events for LA staff and there was a perception that this had led to better communication with parents. In 2001, there were a large number of appeals to the SENDIST but this had reduced year on year and at the time of the research the rate of appeals was much lower than the national average. Middleshire used the same mediation provider as under the regional partnerships and the contract was still negotiated by all the LAs in the region. There were a high number of mediations (although this figure had fallen recently) and the LA often suggested mediation themselves. Many disputes in this area related to one particular independent special school.

Local Authority Profiles: Scotland

Sea City is an affluent city with a well-educated population and a graduate population that is well above the national average. Its recorded ASN population was below the national average and it had a comparatively high level of disputes. Voluntary organisations and parents were critical of the way that the local authority handled disagreements. Local authority officers questioned the utility of CSPs and advocated the use of local non-statutory plans. Formal mediation was provided in-house. Lay advocacy support was provided to parents through an active voluntary organisation which was disliked by LA officers. Parents challenging LA decisions were described by senior official as 'vexatious'.

Coalshire is a semi-rural authority which has areas of affluence but also relatively large areas of post-industrial decline and deprivation. The graduate population is below the national average. The recorded ASN population is above the national average. The LA encouraged the informal resolution of disagreements. Little use was made of mediation, adjudication or tribunal. The authority promoted the use of non-statutory integrated support plans for groups such as looked after children. The LA's ASN policy made no mention of IEPs. The LA did not have a service level agreement with its mediation provider, which the provider regarded as preferable since this gave more scope for service development. A voluntary organisation had been awarded lottery funding to provide support to parents, but had little interaction with the LA. The relationship between the LA and the voluntary organization had developed over time, but initially its advocacy work had been regarded with suspicion. The LA partly funded a children's rights service but there were few referrals from this source.

Glenside is a rural authority with a dispersed population. This is reflected in the high number of schools with low pupil populations, especially primary schools. At the time of the research, the graduate population was below the national average, and a lower than average proportion of children was recorded as having ASN. The LA had a comparatively high level of disputes and used non-statutory plans developed as part of the Getting it Right for Every Child (GIRFEC) agenda. These were known as Child Plans. An educational psychologist reported that schools had great difficulty in understanding and coordinating the planning process and did not provide the level of support which had previously been provided by educational psychologists. The LA had a service level agreement with an independent mediation provider but the service was little used. Advocacy was available to parents through a voluntary organisation.

Local Authority overview

| | England | | | | Scotland | | | |
|---|------------------------------------|-----------------------------------|------------------------------------|---------------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|
| | Northborough | Southside | Middlesbrough | England | Sea City | Coalspire | Glenside | Scotland |
| Population ¹ | 487,607 | 165,242 | 806,744 | 49,138,831 | 468,070 | 360,500 | 217,440 | 5,144,200 |
| Type of LA | Rural | City | Mixed | | | | | |
| % of population – BME ² | 0.8 | 22.2 | 2.4 | 9.1 | 4.1% | 1.3% | 0.8% | 2% |
| % of working age population - no qualifications | 10.2 | 10.3 | 15.4 | 13.1 | 7 | 12 | 10 | 14 |
| % professional occupations ³ | 8.7 | 21.7 | 11.2 | 13 | 20.7 | 10.8 | 11.8 | 13.1 |
| % skilled trade | 15 | 3.6 | 12.6 | 10.9 | 6.0 | 11.6 | 15.7 | 11.3 |
| % elementary occupations | 11.5 | 10.5 | 12 | 11.5 | 9.6 | 12.2 | 13.3 | 11.9 |
| % economically active ⁴ | 82.8 | 77.1 | 81.7 | 78.8 | 81 | 82 | 85 | 80 |
| % incapacity benefit | 7.7 | 6.5 | 6.2 | 7 | 5.7 | 6.8 | 5.9 | 7.4 |
| Total state maintained school population ⁵ | 73,660 | 16,670 | 122,580 | 7,477,700 | 44,531 | 48,203 | 31,860 | 618,573 |
| SEN/ ASN: total number & % | 13,970 19% | 4,730 28.3% | 19,570 16% | 1,333,810 17.8% | 1,860 (4.1%) | 2,815 (5.8%) | 1,581 (4.7%) | 38,716 (5.7%) |
| Statements/CSPs, Nos and % | 1,990 2.7% | 620 3.7% | 3,700 3% | 210,760 2.8% | 106 0.2% | 129 0.3% | 64 0.2% | 2,964 0.5% |
| SENDIST/ASNTS appeals/references 2007/08 | 16 (2.17 per 10,000 school pop) | 15 (8.9 per 10,000 school pop) | 20 (1.63 per 10,000 school pop) | 3394 (0.4 per 10000 of school pop) | 23 (5.1 per 10,000 school pop) | 2 (0.4 per 10,000 school pop) | 5 (1.6 per 10,000 school pop) | 75 (1.2 per 10,000 school pop) |
| Mediations | 8 | 2 | 10 | 8 | 6-10 | Below 5 | 6-10 | |
| Adjudication (Scotland) | | | | | Below 5 | None | Below 5 | |

Having outlined the local authority context, we now provide summaries of six parent case studies, three drawn from Sea City in Scotland and three from Southside in England, both urban authorities. These have been selected to illustrate parents' attitudes to dispute resolution and provide some insight into why particular parents opt for one route rather than another.

Parent case studies: Sea City

As noted above, Sea City is a Scottish local authority with a higher than average rate of tribunal references and a relatively low proportion of pupils with CSPs.

¹ Data for England from: ; Data for Scotland from General Register Office for Scotland, 2008

² Census 2001

³ Data for England from: ; Data for Scotland from Annual Population Survey 2007, Scottish Government 2008

⁴ Employment data for Scotland from Economic briefing produced by Analytical Services Division, Enterprise, Transport and LLL, Scottish Government, updated 13/05/09

⁵ Primary and Secondary, excluding special schools and pupil referral units; data for England from SEN in England Jan. 2008; data for Scotland from Pupils in Scotland 2008

Case 1: Mrs. McIntosh – placing request and extensive informal negotiation managed by parent

At the time of the research, Fraser McIntosh was 15 years of age with a diagnosis of autistic spectrum disorder. His parents, one White British and one White Other, were professionals who worked free-lance in order to combine work and childcare. Fraser's parents had gone to great lengths to find an appropriate school for their son, and various special school placements were interspersed with home education. As Fraser became a teenager, difficulties at his special school became more apparent and his mother became convinced that school staff did not have the specialist training to manage his behaviour effectively. She researched the options independently, and eventually decided that placement in a residential Steiner school would best meet Fraser's needs and those of the whole family.

Mrs. Fraser became increasingly frustrated with the situation at school, but was also aware that the Council would be reluctant to concede to her placing request on grounds of cost. She therefore decided that she had to make some strategic decisions about the most effective dispute resolution route to use, with the tribunal a possibility:

I finally realized that either we had to take the City Council to court and cite what we needed or else we had to find what would be the best provision we thought for Fraser that they would agree to pay for without going to court. (Mother)

Part of her decision to avoid legal action if at all possible was her awareness of the likelihood of local authority playing a game of 'brinkmanship', which would be extremely stressful:

I know a couple of parents who did take them to court and then on the steps of the court they were getting a decision. I just thought, 'That's so ridiculous that you have to go to that level'. What their lawyer has told them is because they [the local authority] didn't want to set a precedent, if they did go to court it would set a precedent, so then they do a deal on the steps and again I thought, 'That's awful'.

Having decided to make a formal placing request, Mrs. Fraser realised that careful strategy would be required. Following advice from ISEA, an advocacy organization, she took on the role of lead professional and had private meetings with all thirteen professionals prior to Fraser's review meeting. Her aim was to ensure that they would all confirm in writing that Fraser's current school could not meet his needs, and that a residential special school placement was required.

I was effectively the lead professional because I went around and organized the meetings. We had this decisive meeting that was supposed to [reach a decision] and I realized there was going to be 13 people in the room for an hour and I thought to myself 'There's no way that we can discuss things with 13 people'. So I went round and had separate meetings with everybody so that when we came to that meeting, we were all in agreement....So when the meeting came it was actually to make decisions because all the discussions had taken place before that. But there was nobody else who had the time or knowledge to be able to do that. So my heart really goes out to other parents who don't have that ability, that strength of character, to go out and phone up ahead and say 'Right, I need a meeting with you next Tuesday, where's the teacher? And I want the minutes taken please'. (Mrs. Fraser)

Following this meeting, Mrs. Fraser's placing request was agreed to by the local authority, so no formal dispute resolution process was necessary.

Case 2: Mr. and Mrs. Wilson – Mediation with a successful outcome

The family (White British) lived in a small village outside Sea City. Mrs. Wilson worked as a health professional and Mr. Wilson was a ‘house husband’ caring for the two children. Their son, Paul, was diagnosed as having language and communication difficulties at nursery, and the parents made a placing request for him to attend a language unit, a special unit attached to a mainstream school. This request went to the LA Pupil Assessment Group (PAG), who rejected the request and informed the parents in a formal letter that the council had decided to offer their son a place at a special school. The parents were supported throughout by nursery staff and an educational psychologist, who suggested it might be a good idea to ask for help from the council’s in-house mediation service. Mr. and Mrs. Wilson were sceptical about the effectiveness of this route, but decided to go ahead anyway:

We couldn’t get the information we wanted to from the PAG [Pupil Assessment Group] Committee as to why they had chosen for Paul to go to [Special School], they just sent us all the reports, but they didn’t send us the minutes of the meetings or anything ... they suggested us going to mediation but I just felt at that point that mediation was just going to go be in the same building [the Council building] , just going to help us see that we were making it the wrong way round But we had to do something, so we arranged a meeting with the Advice and Conciliation Manager and she was very good actually. (Interview with parents)

The Advice and Conciliation Manger held separate meetings with the parents, local authority officials and nursery staff, and a date was set for formal mediation. However, this never took place because the parents received an offer of a place at the special unit. They were relieved that they would not have to go through a formal mediation process, which they described as ‘a terrifying prospect’, but were annoyed that the dispute had arisen in the first place. They believed that the LA had not considered their placing request properly in the first place, and had possibly confused their son with another pupil of the same name. Nonetheless, they were grateful that the process of shuttle mediation instigated by the Advice and Conciliation manger had achieved the desired outcome.

Case 3: Mrs McFall – Tribunal – found in favour of local authority, but positive experience overall

Mrs McFall’s daughter, Amelia, was identified as having Asperger’s Syndrome at primary school. Her mother, a Scottish nurse, was concerned about how her daughter would fare at secondary school, and was worried about bullying. She decided that in order to obtain a place at a special unit, it would be necessary to have a CSP, and therefore requested that an assessment be carried out. However, the local authority was extremely slow to respond and eventually refused the request for a CSP. Mrs. McFall described her reaction to this news and why she decided to make a reference to the ASN Tribunal, rather than using mediation, to challenge this decision:

The head teacher advised us and she thought Amelia would need a Co-ordinated Support Plan and she had put in the application. We waited and waited and waited and actually we didn’t get any reply at all until pressure was put on the local authority to reply within so many days, we actually went to ISEA, and they said ‘You’ve waited far too long, they’re not doing anything about it, we will see what’s happening’ and eventually via a telephone link it came about that they decided no, she wasn’t getting a plan. So with ISEA’s help we appealed against that. We could have gone via the mediation service but we talked to various parents who’d really advised us that you get nowhere, they’re just a way of placating parentswe just felt we wanted to go straight ahead with the appeal. (Mrs. McFall)

The educational psychologist believed that if the Council had communicated with Mrs. McFall more openly, the appeal could have been avoided because she was not by nature a disputatious person. The tribunal was described as friendly at one level, but like a court at another, where words could be twisted. Mrs. McFall said that having to put her case and being asked questions was challenging:

You feel when you go in there's all these professionals, I mean I'm a nurse myself and you just feel overwhelmed really because you feel 'Why would they listen to me? I'm just a mum'. There's all these professionals who have got the right language and that's what I felt, I did my best but I didn't feel I did well enough, I felt if I'd got more knowledge I might have done better because it was like a minefield, you didn't know, it's like being in a court. It was sort of turned, 'Why did you say that?'

Interestingly, Mrs. McFall was challenged for not having brought her daughter to the hearing, but she felt that this would have been unhelpful and upsetting:

And they said to me 'Why didn't you bring Amelia?' and I said 'Well one reason was I thought Amelia might get upset'. Another reason is that if they said to Amelia, 'Are you happy at school?' she would just say what she thought they wanted to hear, so she would smile and say 'I'm fine' and would come over as not having the problems that she actually has and I didn't want the added stress of having to cope with Amelia there. (Mrs. McFall)

Ultimately, Mrs. McFall felt that little had been achieved by using the tribunal. However, she was aware that when Amelia went into the mainstream secondary school, the local authority and the school ensured that she received transport to and from school, and additional attention from the learning support teacher. This help, she believed, was only provided because the local authority wanted to ensure that the placement would work out well.

Parent case studies: Southside

As noted above, Southside Council is a very mixed urban authority with relatively high rates of appeal and a very small number of mediations.

Mrs. Mitchell – SENDIST but case withdrawn before hearing

Nicola Mitchell was a White British lone parent with two children at primary school, the elder child (Mark) having a diagnosis of dyslexia and the younger of child (Sean) having a diagnosis of autistic spectrum disorder. Mrs. Mitchell did not have a job outside the home, and had found bringing up the boys on her own extremely stressful. There had been long-running disputes with the local authority in relation to both children. Mrs. Mitchell requested that Mark be assessed for dyslexia, but there were then long delays before a response was received: *'it was dilly dally dilly dally, and then I got a letter saying 'refused''*. At this point, she engaged a solicitor using legal aid and appealed to SENDIST. In her view, it was necessary to make a fuss in order to have services provided:

With something like dyslexia, they just fob you off, and I think, to be honest, I think as standard they say no to everyone. I think they only bother with the people who actually appeal, or intend to appeal. (Mrs. Mitchell)

At this point, the Council agreed to conduct the dyslexia assessment. However, following the assessment, Mrs. Mitchell decided that the support offered was inadequate and sought help from the Parent Partnership Service, leading to further meetings with the local authority.

In general, Mrs. Mitchell was sceptical about the goodwill of the local authority and its officers:

I mean I really thought that the Educational Psychologist had mine and my son's best interests at heart. But actually they don't. They're not actually looking at it independently, which is how they portray it. They make you feel like they're looking at your individual needs. They're not. They're looking at what the local authority, who they work for, has to offer, and what proportion of that they can give. (Mrs. Mitchell)

In contrast with the local authority, the voluntary organization worker offering support was described in glowing terms: *'I mean, this woman really was my angel, if such things exist, you know, my earth angel at least, and wow, she helped me so much. If I didn't have her...I mean the good thing about that, she gave me the knowledge that I have used to help other people'*. Despite the fact that disputes concerning both children continued for many years, formal mediation was never suggested or used.

Mrs. Owen: Long-running dispute over IEP - Formal mediation refused by LA

Mr. and Mrs. Owen are professionals (one White British, one White Other), whose daughter, Britney, had hearing problems and developmental delay leading to problems with maths, information processing and auditory memory. She was 15 at the time of research and at a Church of England maintained school. Britney had an IEP at primary school, but in year 10 this was discontinued. The school maintained that Britney's difficulties were not sufficiently severe to warrant her being placed on School Action Plus. This decision seemed to be underpinned by a belief that the local authority was not giving the school sufficient funding to support children who had special educational needs but did not have a Statement, therefore a greater degree of prioritization was needed. Mr. and Mrs. Owen contested this decision, and obtained assessments from NHS to support their argument that Britney had underlying health conditions requiring ongoing educational support. The situation between the school and the parents became increasingly tense, and at one point the SENCO accused the parents of bullying and harassment.

Meetings were convened between the PPS and the school and whilst the first of these was positive and led to greater co-operation, the second was attended by local authority staff and became much more hostile, with the parents leaving in tears. Subsequently, a request was made for mediation, but the local authority refused to participate and instead advised the parents to use the school's complaints procedure. Throughout this dispute, there seemed to be tensions between the local authority and the school with regard to responsibility for funding and dealing with disputes.

Mrs. Platt: Mediation and tribunal

Mrs. Platt is an Afro-Caribbean single parent who worked for the local authority housing department. Her son Callum, aged 14 at the time of the research, had a diagnosis of dyslexia and also behavioural difficulties. Because of problems in finding a suitable school, Callum had spent one year out of school being home educated. The local authority offered Callum a place in a boys' school, but Mrs. Platt thought that a mixed school would be better and a request was made for mediation. This was not successful because neither Mrs. Platt nor the local authority would shift their position. The meeting only lasted an hour, and the outcome was a letter summarizing what the different parties had said. One reason for the lack of resolution was the fact that the LA representatives at the meeting did not have the power to make a decision on school placements, and Mrs. Platt wanted her son to attend a Church of England school which controls its own admissions. However, Mrs. Platt said that she would recommend mediation to others because it was the first step in resolving the dispute.

Subsequently, Mrs. Platt contacted a solicitor and accessed legal aid funding. An independent assessment was commissioned from an educational psychologist, who undermined Mrs. Platt's case by suggesting that a good school, rather than a Statement, was required. The case, challenging the LA's refusal to open a Statement, went to a tribunal hearing, and was found in favour of the LA. The letter communicating this decision was critical of the LA's failure to assess Callum's needs and advised that greater efforts should be made to find an acceptable school.

Mrs. Platt was very disappointed that the local authority appeared to ignore these recommendations:

When I complained, I understood that these people can make a recommendation and the authority doesn't have to follow it so at the end of the day they [the local authority] sent me a letter saying they wanted him to go to a boys' school at the end of the road. I just sat down and cried, I thought, 'What's the point?' Why did I do all that? Why did I take a year off work? Why did I do all these things? I might as well have sent him there in the first place! But I'm glad I didn't, so I set about trying to find what I could find.' (Mrs. Platt)

Ultimately, Mrs. Platt enrolled Callum in a mixed comprehensive school, where he appears to be happy. Overall, Mrs. Platt felt that contesting the LA's placement decision had a negative impact on herself and her son:

From the beginning to the end, I didn't have a moment when I felt in control of anything. I felt like David fighting Goliath, that's how I felt, and still feel like that now.' (Mrs. Platt)

Summary and conclusion

Which parents engage in disputes?

It is almost always mothers who engage with the local authority and the school, with fathers sometimes, but not always, taking a supporting role. Clearly, mothers in particular are desperate for their child to have a good educational experience, and want to have professionals' full attention, rather than being, as they see it, fobbed off with second rate provision. Engaging in some sort of formal dispute enables attention to be focused on an individual child. Even if the parent does not win their case, they may feel that they have secured a better outcome than they would otherwise have achieved. Very few socially disadvantaged parents appear to have the financial, social, emotional and cultural resources to engage in these struggles, and support mechanisms are generally not there to enable them to do this. However, parents in dispute with the LA do not fit the stereotype of 'middle class pushiness'. Most parents attempted to solve problems locally, and only embarked on more formal routes when they felt these efforts were frustrated.

Nature of disputes

Many disputes concern school placement, which often hinge on access to scarce resources. Seeking a Statement of Needs for a child may often be a means to secure a particular type of school provision. Disagreements also arise over access to resources in particular settings. Underpinning many disputes, therefore, are conflicts over economic decisions and, as parents see it, the rationing of funds for children in need of additional support.

Local authority decision making is often seen by parents as extremely slow, and there is sometimes a lack of communication about how decisions are made and how long decision-making processes take, contributing to parents' sense of frustration.

Decisions on which type of dispute resolution mechanism to use

Many parents use more than one type of dispute resolution mechanism, and almost always try to resolve problems at a local level first. There is little local knowledge circulating about mediation, and advocacy organizations tend to describe it as a means of ‘placating’ parents rather than resolving problems. Local authorities are also failing to promote mediation, and may turn down requests (as in the case of the Owens). Of the summary cases presented here, only one (the Wilsons) had a positive experience of mediation and their expectations were initially low. Tribunals, on the other hand, are seen as providing much better access to justice, and parents may receive support from voluntary organisations to prepare a case. Generally, parents seemed content that tribunals had acted fairly, even if the case was found against them.

Tensions between LAs and parents

Parents are suspicious of the needs discourse employed by local authorities and believe that the language of needs is used as a tactic. They are much more inclined to take advice from voluntary sector and advocacy organisations, who they see as honest brokers. Local authorities, on the other hand, whilst employing a discourse of needs, recognize that they have to balance the competing claims of all service users. It is very easy for the relationship between the local authority and parents to degenerate into conflict characterized by mutual misunderstanding and antipathy.

Discourses of needs and rights

Parents generally believe that they are in a much better position to understand their children’s needs compared with a local authority officer who has only fleeting contact. Parents receive support from voluntary organizations and advocacy groups and use a discourse of individual rights, but very few parents adopt a discourse of collective rights. This may, of course, be to do with the individualized nature of dispute resolution.

Feelings about the outcome of disputes

There is rarely a perfect resolution, and parents only cease to pursue the dispute when the child leaves the school or they simply run out of energy. At the same time, most parents feel that engaging in some form of formal dispute has delivered benefits. Even if they do not feel that they have won, there is a sense that professionals have been held accountable and their child’s case has been more closely examined than it would otherwise have been, leading to better provision.

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