

# North Yorkshire Council

## Executive Members

17 March 2026

### Special Education Needs (SEN) Mediation and Disagreement Resolution Service Contract

#### Report to the Corporate Director of Children and Young People's Services

#### **1.0 PURPOSE OF REPORT**

- 1.1 To request approval from the Corporate Director of Children and Young People's Services in conjunction with the Executive Member for Children and Families to commence a process for a high-quality disagreement resolution and mediation service for parents and young people with special educational needs.

#### **2.0 BACKGROUND**

- 2.1 This is in line with the Children and Families Act 2014, the Special Educational Needs and Disability Regulations 2014 and the SEND Code of Practice: 0 to 25 years 2015; which require the Authority to have an Independent Disagreement Resolution and Mediation Service for parents and young people (beyond compulsory school age at 16 years up to the age of 25 years).
- 2.2 The Children and Families Act 2014 requires parents and young people to contact an independent mediation adviser to discuss whether mediation might be a suitable way of resolving the disagreement before they can register an appeal with the First-tier Tribunal. Parents are also able to attend mediation regarding the health and social care elements of an Education, Health and Care Plan (EHCP). The mediation arrangements reflect wider movement across the Government to promote early resolution of disagreements through non-judicial means.
- 2.3 By working closely together with parents, young people and education, health and social care agencies, it is envisaged that agreement on the provision for children and young people with SEND is made as soon as possible. However, where agreement cannot be reached, the Authority would strive to reach early resolution of disagreements as this can only benefit the parents/carers and young people and will help to avoid unnecessary stress and expense.

#### **3.0 AIM**

- 3.1 The aim for the service is to provide an impartial disagreement resolution and mediation service for resolving disagreements between parents or young people and education providers, local authorities or health commissioners. The mediation service is to be used when rights of appeal have been provided to the parents, young

person or those with parental responsibility during the statutory assessment, reassessment or review of an EHCP.

3.2 This will include the following appeals;

- **EHC needs assessments** (whether to carry out an assessment).
- **EHC plans** (content, amendments, or ceasing the plan).
- **Health and social care elements** of the EHC plan.

3.3 The Disagreement Resolution Service will provide a quick and non-adversarial way of resolving disagreements without the need to go to mediation. The Supplier will provide an individual disagreement resolution meeting facilitated by a specialist in this area.

3.4 Mediation services should provide early resolution of matters which can be appealed to the SEND Tribunal Service to ensure parents/carers or young people are not placed under unnecessary stress and a timely resolution can be reached.

3.5 As of November 2025, North Yorkshire holds 6,342 Education, Health and Care Plans (EHCPs), which is an increase of 124% since 2019. The average number of requests to assess each month is 102. In 2025, on average 8% of requests are refused and 20% do not go to assessment.

3.6 During the financial year 2022/23, 162 families proceeded to mediation, with 99 families choosing not to go to mediation, instead requesting a certificate to go to tribunal. Of the 162 mediations which took place the Local Authority upheld the original decision not to assess or issue an EHC plan for 61 cases. During the financial year 2023/24, 219 mediations were recorded. During the financial year 2024/25, 467 families proceeded to mediation, with 155 families choosing not to go to mediation, instead requesting a certificate to go to tribunal.

## 4.0 CONSULTATION UNDERTAKEN AND RESPONSES

4.1 A request for information (RFI) was issued to the market on 15 January 2026, requesting responses by 4 February 2026. This was to gather market intelligence and assess supplier interest in delivering the disagreement resolution and mediation service. The responses informed the development of the tender specification.

4.2 Key points from RFI:

- All providers can deliver the service and have accredited, experienced mediator teams.
- Specification seen as broadly sound, with requests for clarity on terminology, Section I appeals, and qualification requirements.
- Mobilisation support needed around communication channels, data sharing, and operational setup.
- AI use ranges from none to accessible information tools (e.g., video avatars).
- Costing models vary significantly (per-case vs base contract), with annual estimates from £163k–£278k.
- All training requirements can be met, with some providers offering extensive additional modules.

- Social value offers are strong overall, with charities providing deeper community focused initiatives.

## **5.0 CONTRIBUTION TO COUNCIL PRIORITIES**

5.1 The framework contributes to the Council's priorities under the Local Area SEND Strategy, particularly 2, 3 and 5, working together, improving outcomes of young people with SEND and achieving best value.

## **6.0 ALTERNATIVE OPTIONS CONSIDERED**

6.1 The alternate option is to do nothing; this will entail the council commissioning individual pieces of work on an ad hoc basis. In the long run this will cost more, will not involve contract management and will not create a firm budget for the work.

6.2 Identifying a high-quality provider to implement the contract is the preferred option following the RFI.

## **7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

7.1 These changes will have a positive impact on other internal services. It will ensure that a reliable, best value, managed contract is in place.

7.2 The term of the contract is 4 years, with an initial term of two years plus potential extensions of two years, will ensure that once it is in place services will be able to manage the mediation requirements.

## **8.0 FINANCIAL IMPLICATIONS**

8.1 The predicted cost for the whole life of the contract is c.£1,000,000.

8.2 The contract will ensure that a budget is clearly set in advance to allow North Yorkshire Council to monitor expenditure.

## **9.0 LEGAL IMPLICATIONS**

9.1 Schedule 2, Part 2 of the Procurement Act 2023 details subject matter exempted contracts. This includes:

*A contract for the provision to a contracting authority of arbitration, mediation or conciliation services, or of any other similar services (schedule 2, part 2, section 13 Procurement Act 2023).*

The provisions of the Procurement Act 2023 and the Council's Procurement and Contract Procedure Rules therefore do not apply to these services as they are exempt.

9.2 The proposed contract supports statutory duties under the Children and Families Act 2014:

- Provide independent mediation for disagreements about EHC needs assessments, plans, or provision.
- Ensure parents/young people can access a mediation adviser and receive a certificate within 3 working days.
- Arrange mediation within 30 calendar days of a request.
- Notify health partners if the disagreement involves health provision.
- Offer disagreement resolution services for issues outside tribunal scope (e.g., SEN support in schools).
- Use mediation data to improve services and avoid costly tribunal processes.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 An Equalities Impact Assessment (EIA) has been carried out to consider the impact of this review and this can be found at Appendix A. There are no concerns raised by the EIA.

10.2 The Equalities duty is ongoing and will be reviewed throughout the planning, review, and monitoring stages as well as prior to the award of any contracts.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

11.1 A Climate Change Impact Assessment (CCIA) has been carried out to consider the impact of this review and this can be found at Appendix B. No implications were identified.

11.2 This will be reviewed throughout the planning, review and monitoring stages as well as prior to the award of any contracts.

## **12.0 PERFORMANCE IMPLICATIONS**

12.1 SMART Key Performance Indicators (KPIs) are in development based on the supplier feedback via the RFI, to monitor service quality and outcomes.

12.2 The contract will include clear KPIs to ensure that providers are meeting the requirements and expectations of North Yorkshire Council.

## **13.0 POLICY IMPLICATIONS**

13.1 There are no other policy implications.

## 14.0 RISK MANAGEMENT IMPLICATIONS

14.1 Risks include provider capacity, safeguarding and service quality. Mitigations will be built into the tender specification and quality assurance processes.

## 15.0 SUGGESTED TIMELINE

Activity	Date
RFI	15 Jan 2026 – 4 Feb 2026
IMT	16 Feb 2026
CYPLT	19 Feb 2026
Key Decision	17 March 2026
Opportunity Issued	April 2026
Contract Award Date	June 2026
Contract Start	June 2026

## 16.0 REASONS FOR RECOMMENDATIONS

16.1 To ensure high-quality, disagreement resolution and mediation service for parents and young people across North Yorkshire.

### 17.0 RECOMMENDATION

It is recommended that the Corporate Director of Children and Young People's Services in conjunction with the Executive Member for Children and Families to commence a process for a high-quality disagreement resolution and mediation service for parents and young people with special educational needs.

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Corporate Director – Children and Young People's Services  
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Northallerton  
17 March 2026

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Presenter of Report – Chris Reynolds

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

**APPENDICES:**

Appendix A – Equality Impact Assessment (EIA)

Appendix B – Climate Change Impact Assessment (CCIA)

Appendix C – DPIA screening