

**Integrated Mediation and Disagreement Resolution**

**For Young People and Parents and Carers of Children**

**with Special Educational Needs and/or Disabilities**

Specification

September 2025 - August 2028

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**Contextual information**

# **1.1 Introduction**

This document sets out the commissioning requirements of Norfolk County Council (NCC) and NHS Norfolk and Waveney Integrated Care Board (ICB) in regard to:

**Delivery of Integrated Mediation and Disagreement Resolution Services for Young People and Parents and Carers of Children with Special Educational Needs and/or Disabilities (SEND)**

Key Children’s Services commissioning contacts for this specification, please refer to Schedule 1, appendix 1.

# **1.2 Background Information**

The Children and Families Act 2014 [[1]](#footnote-2) requires Mediation and Disagreement Resolution services to be put in place by Local Authorities and health commissioners. They also have a duty to enable parents and young people with SEND aged up to 25 to receive information about the service and how to access it.

Health Commissioners also have a duty to provide and take part in Mediation as identified in the [Children’s and Young People’s Continuing Care National Framework 2016](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwj1-LXwlMzKAhXM8RQKHRNzCBIQFgghMAE&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F494230%2Fchildren-continuing-care.pdf&usg=AFQjCNHPJINbwiYyiT1SxfIHcf_Yx1qJrg)[[2]](#footnote-3) and [Part 3 of The Children and Families Act 2014](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiY9eiu34vLAhUL0hoKHV-PABYQFggcMAA&url=http%3A%2F%2Fwww.legislation.gov.uk%2Fukpga%2F2014%2F6%2Fpart%2F3%2Fenacted&usg=AFQjCNF8U3CCK8JsYMfKuPRGVs-MgDJS1g&bvm=bv.114733917,d.ZWU).

A Needs Assessment can be found in Schedule 1, Appendix 2

## **1.2.1 Norfolk’s Values and Ethos:**

### ***1.2.1.1 Flourish***

Norfolk County Council and partner agencies are committed through the Children and Young People Strategic Alliance to ensuring that Norfolk is a place where all children and young people can flourish. This commitment is set out in Norfolk’s Flourishing in Norfolk Strategy (2021-2025) which is focused on working together to address four priorities:

* Strengthening our shared focus and approach on prevention and early help
* Working together to support children and young people’s mental health and emotional wellbeing
* Improving support for children and young people with Special Educational Needs and Disabilities (SEND)
* Addressing gaps in learning following the pandemic.

The Flourishing in Norfolk Strategy (2021-2025) can be found in Schedule 1, Appendix 3..

### ***1.2.1.2 Norfolk’s Vital Signs:***

Norfolk operates by six guiding principles called Vital Signs which help support children’s happiness and health, these are:

* **Whole system:** We work in partnership to get the right support for families, regardless of organisational boundaries.
* **Whole family:** We think about family, in the widest sense, in all the work we do.
* **Relationship Based:** We work to build consistent and trusted relationships with families.
* **Strengths Oriented:** We identify the strengths of families and build on them to create positive change.
* **Outcome Focused:** We do whatever it takes to achieve the best outcome for families.

## **1.3 Legislation, Strategy, and Policy Background**

Part 3 of the Children and Families Act (2014) and the Children’s and Young People’s Continuing Care National Framework 2016 provide the legislative framework.

The provider will need to have a good understanding of the following:

* The Children and Families Act 2014 (Part 3)
* The [SEND Code of Practice](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjZjtzSpszKAhVLVRQKHQv1DXIQFggcMAA&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F398815%2FSEND_Code_of_Practice_January_2015.pdf&usg=AFQjCNGyyeYYXDzkQxmv6XO7ecoca65oCw&bvm=bv.112766941,d.d24) January 2015
* [Children’s and Young People’s Continuing Care National Framework 2016](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwj1-LXwlMzKAhXM8RQKHRNzCBIQFgghMAE&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F494230%2Fchildren-continuing-care.pdf&usg=AFQjCNHPJINbwiYyiT1SxfIHcf_Yx1qJrg)
* [The Special Educational Needs and Disability Regulations 2014](https://www.legislation.gov.uk/uksi/2014/1530/regulation/32)
* Norfolk’s Local Offer[[3]](#footnote-4) (Policies, Practices and Procedures) Suffolk’s Local Offer[[4]](#footnote-5) for the Waveney area)

The provider will also have an understanding of the following legislation and guidance in so far as it pertains to mediation and/or Disagreement Resolution relating to SEND

* The Care Act 2014
* National Framework NHS Continuing Healthcare and NHS funded healthcare, November 2014. To discuss NHS Continuing Healthcare with an independent service provider, NHS England have commissioned Beacon, a new National NHS Continuing Healthcare Information and Advice Service. An adviser can be contacted on 0345 548 0300.

# **2 Statement of Requirements**

**This statement of requirements is to be read in conjunction with the contextual information above.**

Norfolk County Council (NCC), the Local Authority and Norfolk and Waveney ICB (representing clinical commissioning for Norfolk and Waveney in Suffolk), also collectively known as ‘the Commissioners’ require a single organisation to provide both Mediation and Disagreement Resolution services for:

* Children and Young People with education, health and care needs (aged 0-25)
* Parents and those with parental responsibility for children and young people (aged 0-25) with special education needs and /or disabilities (SEND)
* Norfolk County Council, the Local Authority (for disputes/mediation services in the Waveney area Suffolk County Council will be the lead Local Authority.)
* Health organisations

In the instances when the need arises, the provider will be required to liaise with agencies outside of Norfolk. These will need to be dealt with on a case-by-case arrangement.

## **2.1 Aim of the Service/Function**

The aim of the Mediation and Disagreement Resolution service is to provide timely, early resolution to disagreements as part of the Statutory Duty under the Children’s and Young People’s Continuing Care National Framework 2016 and Part 3 of The Children and Families Act 2014.

The Objectives are:

* + 1. To provide timely and high-quality information to families who are referred to the service to enable them to make informed decisions about whether to pursue mediation.
    2. To provide a voluntary and confidential process to resolve disagreements between parties.
    3. To remain impartial towards those who are using the service, to support understanding of the range of views expressed between parties and must avoid taking sides or give the perception of doing so.
    4. To issue certificates within 3 working days of: the young person, parent or carer having considered mediation and told the mediation advisor that they have decided not to pursue it or at the conclusion of the mediation.
    5. To hold mediation meetings as soon as is practicable or within 30 days of the initial request.
    6. To provide written feedback to the parties to the mediation within 5 working days of formal mediation.
    7. To use a range of methods to ensure that children and young people’s views are central to the mediation process.
    8. To routinely gather feedback from service users to demonstrate quality of service and influence service development.

## **Profile of the Service Users**

* + 1. In 2024there were 2,525 requests for Education, Health and Care Plans (EHCPs) compared with 1,033 in 2020.
    2. There were 195 referrals made for the Mediation service between 2020/21 compared with 636 in 2024/25. This shows a rise in demand.
    3. In Norfolk we have higher than average numbers of children with special educational needs and the number of referrals for assessment and specialist placements has risen significantly.
    4. According to 2024 Education Data, in Norfolk, there were 21,613 school aged children (5-16year olds) identified as having an EHCP or receiving SEN Support. National data shows a steady increase in the number of pupils with special educational needs since 2016. In England, the percentage of pupils with an EHCP or Statement increased from 4.0% in 2022 to 4.3% in 2023; and for SEN Support increased from 12.6% to 13.0%. Norfolk’s rates reflect this increase – but show a greater proportion of pupils with either EHCP or SEN Support compared to regional and national averages. Overall, both nationally and locally, the increase for EHCPs is ‘steeper’ or faster than for SEN Support over time. The ‘real terms’ impact of this increase is shown below – including numbers of children and young people (CYP) aged 0-25 with an EHCP, which has seen an increase of nearly 6,000 in the last 7 years.
    5. Increases in the proportion of pupils with SEND are evident across the main school stages, and across both EHCPs and SEN Support. Both SEN Support and EHCPs in Secondary Schools in Norfolk reduced between 2017 and 2020 – but have increased since, possibly linked to the pandemic. EHCPs in Primary schools have consistently increased since 2017 and have accelerated since 2020.
    6. The demographic characteristics of children with SEND are similar to those nationally. Around 72% of children with an EHCP or SEN Support are boys in Norfolk, regionally and nationally. The age profile of children with SEND is also similar across comparator groups, with ages 10, 11 and 12 accounting for the highest proportions of children with EHCPs.
    7. A young person is a person over compulsory school age and under 25. Compulsory school age ends on the last Friday of June in the academic year in which they become 16. At the point when a young person reaches the end of compulsory school age all correspondence and discussions should take place, where possible, with the young person themselves with support of the parent and carers as agreed by the young person. Alternatively, if the agreement is received from the young person, correspondence and discussions can be directly with the parents and carers, (the Children’s and Families Act).
    8. Under the Disability & Equality Act 2010, a child or young person is considered to have SEND if they have a learning difficulty or disability which necessitates special educational provision. This includes: if you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities.
* ‘substantial’ is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed
* ‘long-term’ means 12 months or more, eg a breathing condition that develops as a result of a lung infection
  + 1. Progressive conditions, A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled.
    2. However, you automatically meet the disability definition under the Equality Act 2010 from the day you’re diagnosed with HIV infection, cancer or multiple sclerosis.

## **Detail of the Services/Function**

* + 1. To provide an integrated Mediation and Disagreement Resolution service which provides early resolution of disagreements, benefitting children, young people, parents, carers, institutions, and professionals’ party to the disagreement.
    2. Mediation and Disagreement Resolution refer to different processes in the Children and Families Act 2014 but they are both informal and non-legalistic processes for resolving disagreements.
    3. The service will respond to referrals in relation to disagreements about the EHCP process and / or NHS Children’s Continuing Care eligibility.
    4. The provider will need to use mediation to try to resolve the disagreements in the following situations related to the EHCP process:

1. When the Local Authority has decided not to carry out an EHC needs assessment.
2. When the Local Authority has decided not to carry out an EHC needs re-assessment.
3. When the Local Authority has refused to issue an EHCP.
4. When young people or parents receive the final or amended EHCP and wish to appeal about parts:

i: - Special Education needs (Section B).

ii: - Special Educational provision (Section F).

iii: - Health provision (Section G).

vi: - Names and type of setting, but not when this is the only issue (Section I with B & F).

1. When the Local Authority has decided not to issue a final EHCP.
2. Refusal to amend an EHCP following a review.
3. Refusal to amend an EHCP following a re-assessment.
4. Cease to maintain an EHCP.

## **Referral, Mediation Process & Information, Advice & Guidance**

* + 1. The service provider shall be the first point of contact for all enquiries and service delivery issues.
    2. The provider is to ensure that the office is suitably managed with staff trained in the operating procedures and adequate information provided for the public seeking their services.
    3. Calls to the office shall be charged at local rate or lower. No charges at premium rate shall be made.
    4. The period for which the office must be available is between 9:00 and 17:00 Monday to Friday, excluding all United Kingdom public holidays (core hours).
    5. The provider is to offer a flexible service to meet the needs of their service users, this could include meeting outside office core hours or being flexible to meet deadlines.
    6. The provider will provide an answer phone which will be in operation during out of hours and when the phone is unanswered. Messages left during core hours are responded to on the same day. Messages left outside of core hours must be responded to by the following working day.
    7. The provider must respond to all email correspondence within a maximum of three working days of receipt. Emails received outside core hours must automatically be sent an email receipt which includes information on office hours, website information and information to say when a response will be expected. An automated response shall be deemed not to have been answered.

**In relation to Education, Health and Care Plans:**

* + 1. It is the responsibility of the Local Authority to provide the parent or young person with details of a mediation advisor (the provider) when they send their decision letter.
    2. Mediation must be considered by young people, parents and carers who wish to appeal to the Special Educational Needs and Disability Tribunal Service, (SENDIST).
    3. It is the responsibility of the parent or young person to contact the mediation provider within two months of the date on the letter.
    4. It is the responsibility of the provider to ensure that they have adequate processes in place for managing requests for the services, and that these are made available to NCC.

**In relation to NHS Children’s Continuing Care:**

* + 1. A multi-agency panel is responsible for making decisions on eligibility for Children’s Continuing Care.
    2. The ICB is responsible for putting in place a local process for resolving disputes.
    3. When a dispute is unresolved, the child’s parent or carer is responsible for writing to the ICB to dispute the eligibility decision.
    4. The ICB is to then carry out an independent review of the assessment and panel decision. They may agree with panel, make a recommendation or overturn the panel decision.
    5. If the matter remains unresolved, the ICB will provide to the parent or young person details of a mediation advisor (the provider).

**On receipt of referral**

* + 1. It is the responsibility of the provider togive unbiased information (mediation advice) about the opportunity to mediate and answer any questions the parent or young person may have, to help the parent or young person to decide whether to try mediation or go straight to the Tribunal.
    2. The provider needs to ensure that any information provided is factual and unbiased and should not seek to pressure them into going to mediation.
    3. The provider will signpost parents, carers or young people to Norfolk Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) if they have not already done so.
    4. Following mediation advice if the parent or young person does not want mediation, the provider will issue a mediation certificate within 3 working days.
    5. Decision to go to mediation: the provider will contact the Local Authority to notify them of the decision to go to mediation and to organise dates within 30 days.
    6. If the LA is unable to attend mediation in a case which involves a disagreement on a matter which can be appealed to the Tribunal within 30 days, it is the Local Authorities responsibility to inform the provider.
    7. The provider willissue a certificate within 3 days if LA is unable to attend mediation which involves a disagreement on a matter which can be appealed to the Tribunal within 30 days.
    8. Where appropriate, NCC will inform the Designated Medical/Clinical Officer in the ICB within three working days that the young person, parents or carers wish to go to mediation.
    9. The provider is to clarify the nature of the disagreement and ensure that both sides are ready for the mediation session.  The provider is to agree with the parties on who needs to be there.
    10. The provider must ensure that when organising the meeting(s) young people, parents and carers are informed that they can be accompanied by a friend, advisor or advocate.
    11. The provider will inform the parent or young person of the date and place of the mediation at least 5 working days before the mediation unless the child’s parents, carers or young person consents to this period being reduced.
    12. The mediation process should continue with the same mediator wherever possible, and the family should be offered the opportunity to meet the mediator prior to the mediation meeting.
    13. During the meeting, it is the responsibility of the provider to keep a written record of any agreements made and share with parties that attended.
    14. Once mediation is completed about a matter which can be appealed to the Tribunal, it is the responsibility of the provider to issue a certificate to the parent or young person within 3 working days confirming that it has concluded.
    15. The provider is expected to manage the cancellation of meetings and, where possible, re-arrange meetings where appropriate.
    16. If the young person, parents or carers wish to continue their appeal, no information from the mediation will be presented to the tribunal unless agreed by all parties; however, the expectation is that the mediators will not appear at the tribunal.

## **Mediation Process**

An expectation of the provider is that the following aspects are consistently delivered as part of Mediation good practice, the provider will:

* + 1. Ensure they have knowledgeable mediation advisors/facilitators available to deliver the service which meet the demand, who can provide information and advice about pursuing mediation when discussing the decision on whether to go to mediation with young people, parents and carers.
    2. Provide a service which is centred around supporting people to work together to resolve their issues, ensuring all parties have equal opportunity to put forward their views, whilst ensuring that the other parties actively listen and do not interrupt to allow each party to have a greater understanding of each other’s points of view and enable resolution of disagreements.
    3. Ensure that trained mediators play a key role in clarifying the nature of the disagreement and ensuring both sides are ready to undertake mediation.
    4. Ensure that mediators agree with the parties on who needs to be there.
    5. For mediation which involves disagreement about Section I the mediator is to involve, where appropriate, all relevant parties which would include the parents, LA and any school(s) the parent or LA is seeking to name in an EHCP.
    6. Ensure they make best use of mediator’s time and minimise spend on e.g. travel costs, in order to deliver an effective and efficient service.
    7. Offer mediation for children and young people in youth custody in the same way as for those not in detention.
    8. Ensure mediation takes place at a time and venue which is suitable to all parties. Consideration should be given to:
* Norfolk’s Net Zero Initiative to reduce travel for meetings through virtual consultation / meeting options, where appropriate.
* Offering choice around meeting format, including physical face to face and online virtual options.
* Availability of appropriate technology to enable online meetings.
* Reasonable distance of public transport and parking.
* Disabled access and egress including parking facilities and means of emergency egress, with evidence of the standards that have been met available to NCC if requested.
* Any accessibility requirements and needs, including interpreters or sign language interpreting, if required\*.
* \*The provider will notify the LA when a request for an interpreter is made, and the LA arranges and pays for the interpreter.
  + 1. Follow up within 24 hours with any child, young person or family who do not attend (DNA) or who fail to engage; making sure DNAs are escalated where appropriate taking urgent safeguarding supervision and advice.

## **Disagreement Resolution**

* + 1. The disagreement resolution service is to help resolve four types of disagreement or prevent them from escalating further:

1. Disagreement between young people, parents, carers, NCC, the governing bodies of maintained mainstream schools, maintained nurseries, early years’ providers, further education institutions or the proprietors of academies (including free schools) about how they are carrying out their education, health and care duties for children and young people with SEN. These include duties relating to how NCC keep their education and care provision under review, the duties to assess needs and draw up an EHCP and the duty on governing bodies and proprietors to use their best endeavours to meet children and young people’s SEN.
2. Disagreements between young people, parents, carers, early years’ providers, schools, or post 16 institutions about the special educational provision made for a child or young person, whether they have an ECHP or not.
3. Disagreements between parents or young people and the ICB or Local Authority about health or social care provision during EHC needs assessments, while EHCPs are being drawn up, reviewed or when children or young people are being reassessed. Disagreement resolution services can also be used to resolve disagreements over special educational provision throughout assessments, the drawing up of EHCPs, while waiting for Tribunal appeals and at review or during re-assessments.
4. Disagreements between local authorities and health commissioning bodies during EHC needs assessments or re-assessments, the drawing up of EHCPs or reviews of those plans for children and young people with SEN. In relation to EHCPs, this includes the description of the child or young person’s education, health and care needs and any education, health and care provision set out in the plan. These disagreements do not involve parents and young people.
   * 1. Where a Disagreement Resolution is required, the provider musthave available knowledgeable Disagreement Resolution Advisors who can provide information and advice about Disagreement Resolution.
     2. An expectation of the provider is that the following aspects are consistently delivered as part of Disagreement Resolution good practice, the provider will:
        + Answer any questions.
        + Moderate their language as appropriate to enable understanding of the information being delivered to suit the needs of the service user.
        + The service provider may need to have available interpreters or sign language interpreting etc. when a service user has communication difficulties.
        + Explain, in appropriate terminology, that Disagreement Resolution is an informal, non-legalistic accessible simple disagreement settlement process run by a trained third party and designed to bring parties together to clarify the issues and reach a resolution.
        + Explain that the parent, carer or young person that the use of Disagreement Resolution is voluntary.
     3. Disputes should not delay the provision of the care package, and the arrangements should be clear on how funding will be provided pending resolution of the dispute and arrangements for reimbursement to the agencies involved once the dispute is resolved.
     4. The provider shall complete any Mediation and Disagreement Resolution that is ongoing at the time the contract is ending and shall not handover incomplete cases to any new Mediation and Disagreement Resolution Service. There is an obligation to ensure that any new referrals at the end of the contract are passed on appropriately to the new Service provider.

## **Disagreements between the Local Authority and the ICB**

* + 1. The provider must also deliver a service that includes disagreements between NCC and the ICB during an EHC needs assessment or reassessment, relating to drawing up of EHCPs or reviews of those EHCPs, the description of the child or young person’s education health or care needs in the EHCP, any provision set out in the EHCP.
    2. These disagreements do not involve parents, carers or young people.

## **Resolving difficulties**

* + 1. In the event of difficulties or complaints between Norfolk County Council, the provider and the ICB, representatives will be designated from each service and SENDIASS[[5]](#footnote-6) who can be used to coordinate/mediate. The co-ordinator from SENDIASS should first attempt resolution before involving senior management form either organisation.

## **Financial expectations & constraints**

* + 1. This is a 3-year fixed term contract until 31 August 2028 with a break clause at 18 months.
    2. The service provider will ensure that, where meetings are held in person, venue and travel costs are kept to a minimum by utilising mediators local to the service user where possible in all circumstances.
    3. Venues will only be booked with prior approval by Norfolk County Council.
    4. Travel costs will not exceed HMRCs current rates and public transport should always be a priority, but never first class.
    5. Flights/ hotel costs should not be booked without prior consent from Norfolk County Council.
    6. The provider is expected to deliver a cost model which achieves best outcomes for children and families, manages potentially increasing demand and drives administrative efficiency.

## **Interface with Children’s Services and other agencies**

* + 1. Norfolk County Council will be the coordinating link between commissioning partners, for example in matters of invoicing, contract management and informing the ICB of the request for mediation (when the request relates to the EHCP process).
    2. When the request relates to Children’s Continuing Care eligibility the provider will notify the ICB directly.
    3. The provider will be expected to work closely with Children’s Services and ICB commissioners, SEND operational teams and partner agencies.
    4. The provider must be able to demonstrate an organisational ability to deliver effectively within a multi-faith, multi-ethnic context and a commitment to working with all sections of Norfolk’s community.

# **Reporting, Performance Monitoring and Standards**

## **Quarterly & Annual Reporting Arrangements**

* + 1. The service will be subject to formal monitoring requirements including quarterly provider returns which will report on performance against agreed actions and targets accompanied with meetings with Children’s Services and ICB staff.
    2. Monitoring visits and spot audits may be carried out to verify provider returns.
    3. Full details of reporting and monitoring requirements are set out in Performance Schedule 2.

## **Performance Management & Quality Assurance**

* + 1. Norfolk County Council will monitor the performance of the Service through a Performance Management Framework (PMF) based on the [FLOURISH Outcomes](https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/children-and-young-people-partnerships/children-and-young-people-strategic-alliance/flourish) set out in the [Flourishing in Norfolk: A Children and Young People Partnership Strategy 2021-2025](https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/children-and-young-people-partnerships/children-and-young-people-strategic-alliance/flourishing-in-norfolk-strategy#:~:text=Flourishing%20in%20Norfolk%20is%20our,and%20young%20people%20in%20Norfolk).
    2. The provider will be expected to monitor and report on performance including:
* Outcomes and Impact: The impact of delivery/difference that the service makes.
* Inputs and Outputs: The quantity of delivery.
* Quality: The effectiveness of professional practice, policies, procedures, and standards.
  + 1. Quality assurance will be secured through:
* The provider’s internal quality assurance processes.
* Assessment of submitted contract monitoring paperwork and reporting.
* Annual Health & Safety Questionnaire.
* Service Users feedback.
* This may include quality assurance visits by NCC or independent organisations designated by NCC.

3.2.4Outcomes and Impact

* KPI 1 - 90% of service users completing the Satisfaction Survey during the reporting period agree or strongly agree they were satisfied with the service they received.
* Voice of service users – How the provider has ensured the views of children and young people are captured and represented within the service.
* Linked to the Flourish outcomes framework:

1. % Report feeling like they are listened to
2. % Report feeling understood
3. Case studies
4. Stakeholder, Parent and YP feedback

3.2.5 Inputs and Outputs

1. KPI 2 – LA / ICB notified within 3 working days from parent/carer/YP decision to go to mediation: 100%.
2. KPI 3 – Meeting confirmation circulated 5 working days before meeting: 100%.
3. KPI 4 – Issuing certificates within 3 working days: 100%.
4. KPI 5 – Proportion of mediation meetings taking place within 30 calendar days of the parent or young person advising they wish to pursue mediation (subject to certain exceptions such as school holidays, parent or young person unavailable): 100%.
5. Referrals into the service (including number, source, type, need, time, outcomes).
6. Interface with other professionals & agencies.
7. Demographic profile of service user (age, gender, ethnicity, disability, location).
8. Financial management.
9. Value for money and added value.
10. Workforce sufficiency.

3.2.6 Quality

1. Accreditation and rating (e.g. quality marks).
2. Compliments and complaints.
3. Health and Safety.
4. Safeguarding.
5. Workforce development and support.
6. Policies and procedures.
7. Practice.
8. Continuous improvement.
9. Stakeholder feedback.

Full details of reporting and monitoring requirements are set out in Schedule 2.

## **Complaints & Escalation Procedures**

* 1. Please see Clause 35 of the Terms and Conditions of Contract for our requirements in respect of complaints and escalation procedures.

## **Ancillary Requirements**

* 1. Venues - Norfolk has a priority initiative to reduce travel for meetings through virtual meeting options, where appropriate; however, the provider is to remain flexible to the needs of the parent and young person. This could mean also meeting at physical locations if required and necessary.
  2. Quality – The provider will be expected to ensure that any venues or online platforms used for meetings should be of a suitable standard.
  3. Accessibility – The provider will be expected to ensure that any venue used for meetings are accessible and that reasonable adjustments are put in place to facilitate those taking part to fully engage. This includes not only physical access but also any information shared in support of the meeting.

# **Regulatory, Safeguarding & Security**

## **Safeguarding & Personnel Vetting**

* + 1. Please see Clause 9 of the Terms and Conditions of Contract for our requirements in respect of Safeguarding and personnel vetting.

## **Data Protection, Information Sharing and Information Assurance**

* + 1. Norfolk County Council has a Statutory Duty to provide access to mediation and disagreement resolution services. NCC determine the means and purpose of processing the information, therefore NCC is the Data Controller.
    2. As the provider will be expected to collect, share and maintain the data through to destruction they will act as the Data Processor and will share any data collected with Norfolk County Council Children Services under a data sharing agreement.
    3. Providers will need to provide service users with a privacy notice provided on behalf of NCC.
    4. Providers will need to ensure that they securely collect and store any personal data and that this information is only in accordance with what is required by the service for basic record keeping and monitoring purposes.
    5. The data collected on data subjects will be stored for 6 years after the end of the contracted service at which point the processor and organisations that have had information shared with them under a data sharing agreement have the option to anonymise and maintain this anonymous information for trending and analytical purposes. For this anonymised information, the provider will be a separate Data Controller and will need to comply with National Data Opt-Out <https://digital.nhs.uk/services/national-data-opt-out>
    6. Information on Data Processing is available in Schedule 2.

# **Confidentiality**

* + 1. There will be no external disclosure of information from the mediation process, except by agreement between the parties.

The only exceptions shall be where any party believes that:

* there is a risk to public or personal safety
* there is a duty to report any safeguarding concerns for children, young people and vulnerable adults[[6]](#footnote-7)
* there is a legal requirement to report the information.

# **Physical Safety**

* + 1. The provider will be expected to ensure the physical safety of service users (adults and young people), staff and visitors. All staff shall have personal safety training appropriate for working with more vulnerable people.

# **Risk Management**

* + 1. The provider shall have in place appropriate measures for identifying, quantifying, and managing risks.

# **Staffing Expectations**

* + 1. Mediators and staff in supervisory, or management positions should be trained and accredited and recognised as meeting the standards approved by the College of Mediators and Civil Mediation Council.
    2. Workers employed to deliver against this specification will demonstrate

experience or training in the following areas:

1. Working effectively with families from a variety of backgrounds.
2. Working effectively with adults from a range of professional backgrounds/community perspectives.
3. Working on their own initiative with minimal supervision.
4. Effective communication skills.
5. Being able to manage the differing needs and dynamics within a group environment/ setting.
   * 1. Necessary knowledge, experience and understanding of:
6. Mediation Services for young people and parents and carers of children with Special Educational Needs and/or Disabilities.
7. Knowledge, experience and familiarity with Part 3 of the Children and Families Act 2015, Children’s and Young People’s Continuing Care National Framework 2016, procedures, guidance listed at 1.2 and related issues and any subsequent legislation and guidance.
8. Equality and diversity including the specific challenges faced by groups/individuals in society, including SEN/D
9. The principles of effective participation methodology.
   * 1. The provider will be required to support staff to undertake ongoing professional development, including that deemed necessary by the Council and at no extra cost to the Council to enable them to carry out their role effectively.
     2. Mediators (facilitators)
     + Must be independent of local authorities in England.
     + Must be independent of relevant health commissioners, both ICBs and National Health Service (NHS) England.
     + Will have no vested interest in the terms of the settlement in cases
     + Will have received and passed accredited or certificated mediation / disagreement resolution training.
     + Must have an understanding of SEND legislation, processes and procedures in education, health and social care.
     + Must understand if the case is under the 1996 Education Act and Special Educational Needs and Disability Code of Practice (SENCOP) or The Children and Families Act 2014 and SENDCOP.

# **Assurance Of Supply**

## **Resilience of the Service**

* + 1. The provider will be expected to have business continuity plans in place that describe how they will ensure they have sufficient capacity to maintain delivery and, respond with flexibility in response to demand and / or in the event of sickness/absence of staff, taking account of their size as an organisation. This should also include clear critical pathways and single points of failure to avoid any service disruption.
    2. The provider is responsible for ensuring that they are flexible in their approach to manage demand and the requirements of the timescales as set out in this specification.

## **Recoverability of the Service**

* + 1. In the event of a catastrophic interruption to normal business, such as the destruction of work base premises by fire or flood, the provider will be expected to locate alternative venues, in consultation with Norfolk County Council. The provider should be able to detail their plans around enabling continuity of service in such cases.
    2. There is an expectation that the accessibility expectations in 3.4.3 are maintained by the provider to ensure services are inclusive and accessible for all.

# **Volumes & Work Patterns**

* + 1. The provider is required to deliver mediation and disagreement resolution services as set out within the specification with suitably qualified staff employed on a full time or part time basis to reflect operational requirements.
    2. Mediators will be required to work evenings and weekends and in non-traditional locations reflecting the needs of parent carers and their families.

# **Constraints**

* + 1. The council reserves the right to vary the expectations of this contract should local or national policy requirements change.
    2. The providers must indicate any constraints e.g., in terms of provision of suitable staffing, which could restrict or delay delivery from the start date of the contract, or during the life of the contract.

# **Health & Safety Relating to Service Provision**

## **Lone Working**

* + 1. The provider will be required to demonstrate a robust approach, including key policies and procedures to managing lone working arrangements for mediators operating outside of ‘normal’ hours.

## **Relevant Policies & Risk Assessments**

* + 1. NSCP safeguarding requirements must be fully complied with by the provider, including use of enhanced DBS checks on all staff employed to deliver mediation.
    2. Appropriate risk management/assessment procedures will be required in relation to personal safety, home visits etc.
    3. The provider must have up to date policies on the following: Data Protection, Health and Safety, Child and Vulnerable Adult Protection, Impartiality, Confidentiality, Equal Opportunities, Whistleblowing Procedure.
    4. The council reserves the right to inspect policies as required.

## **Provider Arrangements or Supervision, Liaison, Permitting & Reporting of Incidents**

* + 1. It is expected that the provider will record all incidents in a log which will be available to the Council upon request. Any incident which results in serious harm to a child or young person, member of staff or member of the public must be notified on the same day to the liaison officer who will decide whether any further action is needed.
    2. A copy of the incident log must be submitted with the annual report.
    3. The provider will be responsible for all aspects of service users’ safety and wellbeing throughout the duration of mediation meetings.

## **Health & Safety Experience/Qualifications of Service Provider’s Team**

* + 1. The provider is responsible to ensure theworkers hold/obtain training including:
* Safeguarding training including child exploitation.
* Mental Health training.

1. [Children and Families Act 2014](http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted) (Part 3) [↑](#footnote-ref-2)
2. [Children’s and Young People’s Continuing Care National Framework 2016](https://www.gov.uk/government/publications/children-and-young-peoples-continuing-care-national-framework) [↑](#footnote-ref-3)
3. [Norfolk’s Local Offer](http://www.norfolk.gov.uk/Childrens_services/Special_educational_needs_and_disabilities/index.htm) [↑](#footnote-ref-4)
4. [Home - Suffolk SEND Local Offer](https://www.suffolklocaloffer.org.uk/) [↑](#footnote-ref-5)
5. [SEND Information Advice and Support Service](http://www.norfolksendpartnershipiass.org.uk/index.html) [↑](#footnote-ref-6)
6. [Children Act 2004](https://www.legislation.gov.uk/ukpga/2004/31/contents) [↑](#footnote-ref-7)