

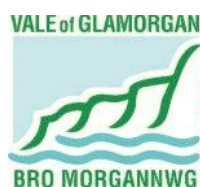


# Avoiding & Resolving Disagreements

for Children and Young People with Additional Learning Needs  
in the Central South Region

Advice for maintained schools

(Updated March 2022)



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This guide is designed to help schools to understand their statutory duties under the reforms in the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) in relation to children who have or may have ALN

The guide specifically covers the provision of information and advice and approaches for avoiding and resolving disagreements that may arise between schools, children/young people and their parents/carers. This guide should be read alongside the ALNET Act and the Additional Learning Needs Code (2021).

<http://www.legislation.gov.uk/anaw/2018/2/contents/enacted>

# Foreword

All parents/carers and learners want to see that the Additional Learning Needs (ALN) are being met, that aspirations are high and that professionals will work with them in partnership to ensure that support is offered at the earliest stage possible.

To meet these aspirations the system for supporting learners with ALN is changing. The new ALNET Act emphasises increased collaboration, a simpler and less adversarial system and underlines the necessity of providing support and information to ensure that children, their parents/carers and young people participate as fully as possible in decisions that affect them.

Children, their parents/carers and young people should have a real say in decisions that affect them and should have access to impartial information, advice and support and know how to challenge decisions they disagree with. The Local Authority (LA) duty within the Act to provide transparent systems for disagreement avoidance and resolution is designed to provide children, their parents/carers and young people with effective means of advice and support to address their concerns, to challenge where necessary and to prevent concerns from escalating.

This document is aimed at educational practitioners who work with children, their parents/carers and young people who have ALN. This document covers:

- The key areas of the ALNET Act and the statutory responsibilities to children, their parents/carers and young people arising from Act
- The value of being proactive in preventing disagreements and to support a more collaborative approach

This guide has been written in partnership with SNAP Cymru, the leading provider of information and advice and disagreement resolution services in Wales.

Parents/carers want what is best for their child and have vital and unique knowledge about their child's needs.

Developing a relationship based on mutual trust and respect is the cornerstone of the partnership between professionals, children, their parents/carers and young people.



# 1.

## Context – Legislation & Statutory Guidance

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 created the legislative framework to improve the planning and delivery of additional learning provision (ALP), through a person centred (PCP) approach to identifying needs early, putting in place effective support and monitoring and adapting interventions to ensure they deliver the desired outcomes.

## The ALNET Act will be supported by:

**Regulations** – Secondary legislation with greater detail to support the Act

**The ALN Code** – Statutory guidance and mandatory requirements to help people and organisations to work within the law.

The main aims of the Act are:

- The introduction of the term Additional Learning Needs (ALN)
- A 0-25 age range
- A unified plan
- Increased participation of children and young people
- A simpler and less adversarial system
- Increased collaboration
- Avoiding disagreements and earlier disagreement resolution
- Clear and consistent rights of appeal

To see the Act follow:

<https://www.legislation.gov.uk/anaw/2018/2/contents/enacted>

### Key Points:

The Act includes a clear duty to involve and support children, their parents/carers and young people. This includes having regard to the wishes, views and feelings of children, their parents/carers and young people; promoting their participation as fully as possible in the decision-making through the provision of information and support; and acknowledging the importance of early avoidance and resolution of disagreements



**Section 9 of the ALNET** provides that LAs must make arrangements to provide people with **information and advice about ALN and the ALN system.**

The LA must take reasonable steps to make the arrangements made known to children and young people in its area, parents/carers of children in its area, looked after children (LAC) who are outside its area, governing bodies of maintained schools in its area, and governing bodies of institutions in the further education sector in its area, case friends of children in its area, and any other persons it considers appropriate.

The focus of the Act is to ensure that where disagreements occur about an IDP or the provision it contains, the matter is considered and resolved at the most local level possible. The Act says that the LA must make arrangements for the provision of information and advice and for avoiding disagreements.

The LA must take steps for making the arrangements known to children, their parents/carers and young people

- The LA must arrange for the disagreement avoidance and resolution service to be delivered by a 'person independent of the parties' and must promote their use at each stage of the process. The early involvement of a disagreement avoidance and resolution service is a key expectation
- A Governing Body of a maintained school must take reasonable steps to make the arrangements known to parents/carers, pupils and case friends.

## Avoiding and Resolving Disagreements

Section 68 (1) Arrangements for the avoidance and resolution of disagreements (1) A LA must make arrangements with a view both to avoiding and to resolving disagreements between:

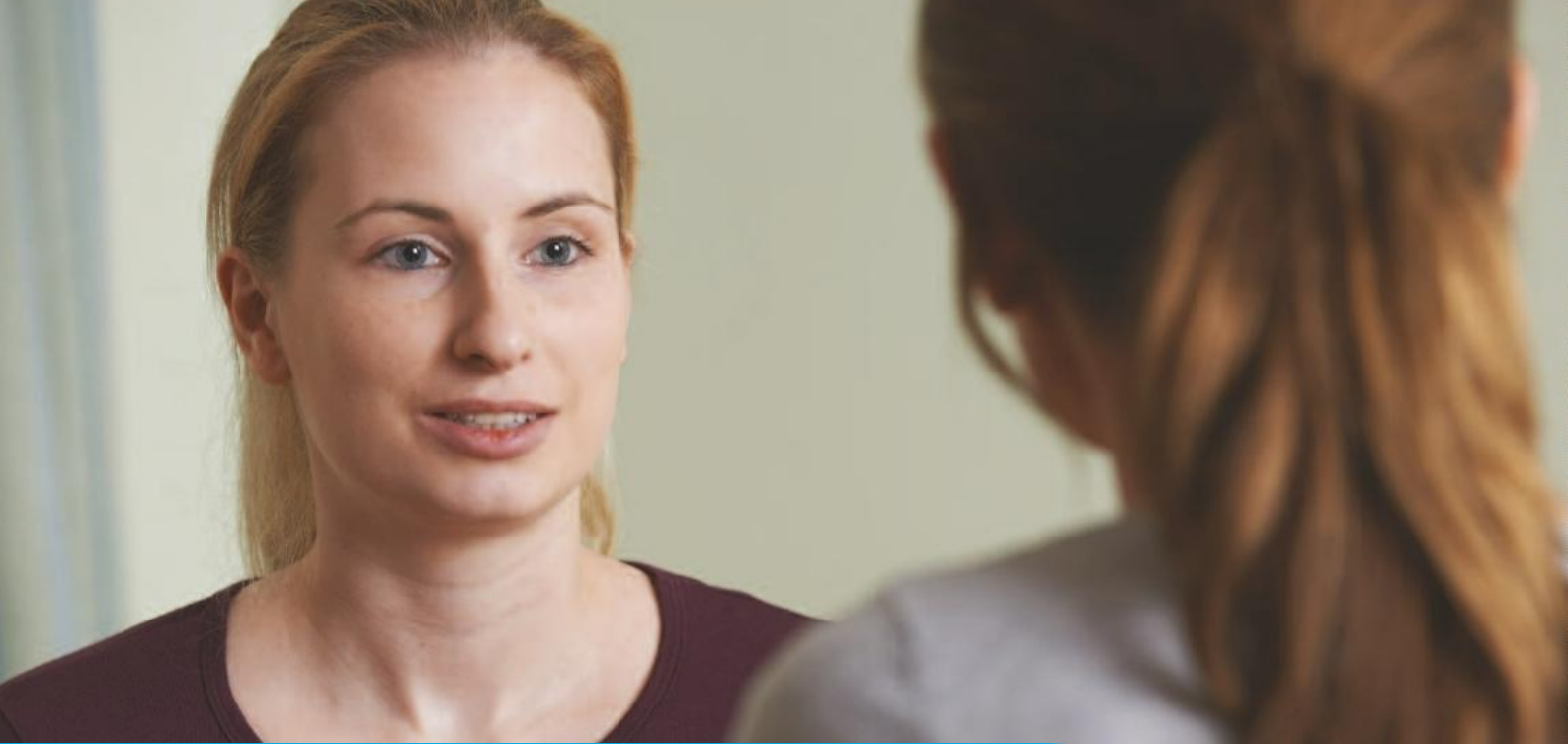
- (a) education bodies, and
- (b) children or young people for whom the authority is responsible, or in the case of such children, their parents/carers,

(2) A local authority must make arrangements with a view both to avoiding and to resolving disagreements between:

- (a) proprietors of relevant institutions, and
- (b) children or young people who have ALNs for whom the authority is responsible and, in the case of such children, their parents/carers, about the additional learning provision made for children or young people.

(3) The arrangements must include provision for parties to a disagreement to access help in resolving it from persons who are independent of the parties.

(4) A local authority must promote the use of the arrangements.



### **Key points –The Additional Learning Needs (ALN) Code (2021)**

The focus of the new ALN Code (The Code) is on collaboration, removing barriers to learning and providing high quality provision to meet the needs of children and young people. The Code will ensure that the new ALN system has a set of clear, legally enforceable parameters within which local authorities and other organisations responsible for the delivery of services for children and young people with ALN must act.

### **Supporting Legislation –The Equality Act (2010)**

The Equality Act states that settings must promote equality of opportunity and must not discriminate against, harass or victimise disabled children.

A child or young person is disabled under the Equality Act 2010 (section 6) if they:

‘...have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Settings have a duty to make ‘reasonable adjustments’ to ensure that disabled children are not at a substantial disadvantage compared with their peers. This duty is anticipatory – settings must look ahead and anticipate what disabled children might need and what adjustments might need to be made to prevent any disadvantage.

Importantly the definition of disability is wider than many might presume and so covers a greater number of children.

.At least every three years, a school must prepare, implement, review and update a written accessibility plan which identifies how specific improvements will increase accessibility to education for existing and future pupils with disabilities.

Accessibility plans must consider all aspects of education and any associated services provided by schools.

You can read the full Equality Act here:  
[https://legislation.gov.uk/ukgpa/2010/15/pdfs/ukgpa\\_20100015\\_en.pdf](https://legislation.gov.uk/ukgpa/2010/15/pdfs/ukgpa_20100015_en.pdf)

A woman with curly brown hair, wearing a white blazer over a black top, is smiling and gesturing with her hands while talking to a man whose back is to the camera. He is wearing a plaid shirt. They are in an office setting with a window in the background.

# 2.

## Avoiding Disagreements

**It is of critical importance to engage with and involve children, young people and parents/carers in the decision making process by providing them with the right information and support.**



## Engaging with parents/carers

Parents/carers are by far the most important influences in a child's life. Their support can play an important role at all stages of education.

Involving parents/carers in the process planning and review cycle will help ensure their views are heard and valued.

Early discussion with the child, their parents/carers or young person is an essential part of the information gathering. These early discussions should be structured in such a way that they develop a good understanding of the learner's areas of strengths and difficulties as well as the parents/carers' concerns.

Healthy relationships are developed through involvement and engagement. Parents/carers feel more positive when:

- Their views are listened to and taken seriously;
- They are given accurate clear information;
- They perceive that the school is doing something to help;
- They are involved in developing a shared approach to their child's learning;
- They have the support of others who understand or have been through similar experiences; and
- Their own access needs are taken into account.

Being open, honest and realistic with parents/carers is the foundation of a firm partnership. It is important to share positive information with parents/carers but just as important to inform parents/carers of any concerns.

There are many factors that can influence how parents/carers engage with schools and understanding these barriers is essential so they can be addressed to maximise meaningful participation.

## Factors affecting parental engagement:

- parents/carers feel the school is not welcoming, feel they are being judged, feel guilty or feel out of control;
- they have had poor school experiences themselves and don't understand the importance of their involvement;
- parents/carers may have health difficulties, disabilities or not have an effective social support network, including extended family members
- when children with ALN develop a reputation for having challenging behaviour their parents/carers can be reluctant to go into schools for fear of getting more bad news.

Fundamental to developing effective partnerships is the parent's entitlement to challenge the ALN process if they think it is not meeting their child's needs.

The development of good relationships when things are going well can make it easier for both parents/carers and teachers to make contact when either of them has a concern.

"At first I struggled to push through the resistance I was getting in meetings; but as time has gone on, I've felt more confident in being open and assertive in meeting scenarios and communicating honestly about my expectations for my child too." - Parent

"I was really nervous about contacting the school about my son's experience. There were times when I didn't feel confident in doing so at all, especially since I hadn't had a positive experience before. But I'm so glad I did. Although it was a daunting task, ultimately we managed to make a plan on how to move forward together to make sure my son's needs and interests are prioritised." - Parent

## Key points in supporting parents/carers to participate

- The family is always the richest source of information about the child;
- Be prepared to have open and honest dialogue and learn from and with parents/carers;
- Be responsive to parents/carers concerns;
- Ask about what is important to them, and what they would like to see happen;
- Remember the parent may be experiencing a range of emotions or barriers – don't give up offering opportunities for their involvement;
- Recognise that some parents/carers find it difficult to engage because of their own experiences at school;
- Show flexibility in communicating and be aware of and respond to individual circumstances;
- Always ask parents/carers views and make sure that it is reflected in planning for the child or young person;
- Aim for a partnership approach with joint planning, evaluations, and contributions to target setting – the IDP is perfect for this;
- Be transparent about process, the criteria for identifying ALN and the provision in school;
- Keep the parent and child aware of child's development and achievements;
- Find an appropriate time and place to discuss more sensitive issues;
- Person centred approaches and tools are effective starting points for conversations – provide information and workshops for parents/carers;
- Ensure the ALNCo shares information and expertise with all school staff;
- Understand that sometimes, despite your support, parents/carers will still need access to independent support from outside the school;
- Welcome independent disagreement avoidance services to prevent disagreement from escalating.

# Communicating effectively with parents/carers

Effective communication provides a foundation for preventing and resolving conflicts in a friendly, informal way.

Gaining parent's trust is vital.

## Regular communication

Good communication with parents/carers is regular communication. Communication with parents/carers is ineffective when it only happens as a reaction or in response to a problem. Parents/carers who are not in regular positive communication with the school may dread hearing from the school or will instinctively become defensive or at worst aggressive. Either way they will not want to hear what's being said and are unlikely to engage.

## What parents/carers tell us about that undermines their confidence in the school and LA

- Professionals not hearing or giving weight to the importance of what parents/carers say
- Professionals withholding information from parents/carers
- Professionals not sharing information with each other
- Reports and ALP lacking in specificity and transparency
- Individuals being hard to reach or not communicating information about decisions or not responding when they said they would.

All staff should bear in mind the pressures a parent/carer may be under because of the child's needs. To make communications effective professionals should:

- Focus on the children's strengths as well as areas of additional need;
- Recognise the personal and emotional investment of parents/carers and be aware of their feelings;
- Respect the validity of differing perspectives and seek constructive ways of reconciling different viewpoints.

## Communicate sensitively

Be mindful of parent's feelings and always recognise the personal and emotional investment of parents/carers. When communicating be honest and sensitive. You may be the first person to highlight concerns to a parent or confirm their private concerns. It is therefore important that this is handled sensitively. Give the parents/carers plenty of time and be aware of the emotional reactions that might result from an initial raising of a concern.

## A non-judgmental approach is critical

At the heart of any positive working relationship lies a genuine respect for the families of the children and young people involved. It recognises that the parents/carers in particular are the most important element in a child's life. Showing respect is critical in avoiding disagreements. The main beneficiary of this positive relationship is always the child.

## Top tips for communicating with children, parents/carers and young people

- Be clear, accurate and open
- This includes being clear about the limits of your knowledge and being prepared to seek further guidance where necessary
- Provide trustworthy information and, where necessary, independent advice;
- Ensure that the information is accessible, available, relevant and accurate, joined-up and user-focused.
- Ask parents/carers about their aspirations for their child
- Stick to the law
- Be an active and empathic listener
- Be approachable and accessible
- Give plenty of opportunities to ask questions and raise concerns
- Seek out the child's views
- Keep communication channels open – even if you disagree
- Signpost parents/carers to further information and sources of independent advice and the disagreement avoidance and resolution service

## Have clear protocols for identifying and meeting ALN

It is essential to have a clear and agreed protocol or procedure for identifying and meeting ALN and to understand the legislation and have proper regard for the ALN Code.

Staff know what to do if they or parents/carers have concerns about a child or young person's learning.

Sharing these protocols with parents/carers and teaching staff from the outset prevents the development of distrust and helps avoid misunderstandings

Parents/carers will be far more open to discussion if teachers are knowledgeable and can demonstrate that they know the child and have observations and evidence to back up any conclusions. Parents/carers should always be encouraged to discuss their concerns with their child's class teacher or ALNCo. The School should be able to explain the basis of any decisions and listen to and try to resolve concerns as quickly as possible.

- Help parents/carers understand 'the system' and explain what you are doing and why;
- Share information with parents/carers about how things work e.g. admissions, procedures for identification of ALN, Individual Development Plans referrals, transitions, reviews, etc.;
- Be transparent and honest about the funding available for a child's ALN Parent's need to know who they should go to when they need to discuss important issues regarding their child;
- Make sure parents/carers know and understand the role of the ALNCo and any learning support staff;
- Make sure parents/carers have a copy of your relevant policies;
- Know the resources available to assist the child and parents/carers help ensure that families can access information which can help develop their insight into and understanding of their child's needs;
- Provide information on how to access independent advice & information, professional advocacy, and avoidance and dispute resolution services to ensure the family and young people are able to state their concerns clearly having been appropriately advised of their rights and responsibilities.

# Providing information, advice & support

Parents/carers should be able to access the information that they need, when they need it, in an accessible format.

Parents/carers need information:

- That is easy to find, easy to understand and trustworthy;
- To help them understand their child's needs and to make sure that they get the support that they need;
- To know what they can expect from their child's school and from the local authority;

Gaining information enables parents/carers to support their child and decide how to maximise their progress in learning to enable them to achieve their potential. Informed parents/carers are more confident and more able to make appropriate choices for their children and are less likely to be in disagreement or conflict with schools. Information is empowering and transparent; reliable information helps build trust and helps prevent disagreements.

'The content of information, though crucial, is only part of the story. It is the involvement of the parent in the process of discussion and engagement about their child with the school that creates confidence. Such confidence can sustain working relationships even in situations where there is not always agreement about provision. Where this is lacking, inevitably trust diminishes and so does the potential for a good working relationship between parent and school.' (Lamb Inquiry-Special educational needs and parental confidence 2009)

## Having positive meetings with parents/carers

It is important for parents/carers and professionals to work together to achieve the best outcomes for children with ALN.

The most successful meetings with children, their parents/carers and young people who have ALN are those which are the result of an ongoing dialogue and where teacher and parent already have a positive relationship.

Children, their parents/carers and young people should be fully involved in reviews of support provided and have clear information about the impact of the support and interventions on learning - enabling them to be a central and integral part of planning the next steps.

## Preparing for meetings

- Make sure parents/carers know what to expect – information leaflets, training and workshops for parents/carers are useful prior to attending person-centred meetings and IDP reviews;
- Consider the most convenient days and times for meetings for the parents/carers? - be flexible about when or where you meet;
- Give enough notice of meetings to allow parents/carers to prepare, organise time off work or child care.
- Ensure children & young people have been helped ahead of the review to gather information that can be shared at the meeting support the learner to develop their one-page profile.
- Young people may want to bring an independent advocate to the meeting;
- Encourage parents/carers to bring a friend/relative or an independent supporter with them if they feel they need support;
- It is helpful to have an agenda which is given to parents/carers in advance;
- Be specific about the purpose of the meeting so that parents/carers know what to expect and allow parents/carers to think about what they might like to say or talk about at the meeting - to help prepare and organise share the **WG person-centred reviews toolkit with families** <http://learning.gov.wales/>
- Make sure parents/carers are aware of who else will be at the meeting;
- Make sure you have all the information you need to hand, such as assessments, progress towards outcomes, recent successes, observations etc.;
- If parents/carers need to bring younger children or babies to meetings with them either try to provide childcare or make sure there are toys and books for the child to play with;
- Decide who will facilitate the meeting and who will take notes – it is very difficult to do both. Record actions from meeting and distribute as soon as possible.

## Top Tips for IDP Meetings

- Introduce everybody or ask people to introduce themselves;
- Be sensitive to how parents/carers might be feeling, allow time for parents/carers to adjust to information given;
- Ensure the learner is always at the centre of the discussion and focuses on the aspirations of the learner and their family
- Use person centred tools to understand what is important to the learner and what is important for the learner to develop and progress
- Start with the positives – affirmations, qualities, strengths, and successes;
- Analyse what is working and not working from different perspectives
- Develop an action plan based on person-centred outcomes
- Avoid overloading them with information or bombard them with too many questions; avoid asking parents/carers to make decisions immediately;
- Make sure that parents/carers have the chance to comment on the views of the other people present;
- Listen attentively and with an open mind to others' views;
- Avoid drawing premature conclusions about others' views and/or about potential solutions;
- Invite questions and comments to clarify assumptions, perceptions and information;
- Seek clarification about the views and feelings of others;
- Avoid using jargon and clarify any terminology that may be used;
- Offer time to have a break or a drink if at any point a parent seems to be stressed or upset,
- Summarise the outcomes of the meeting so that everyone is clear as to what has been agreed;
- Agree responsibilities and review dates; Set a date for the next meeting while everyone is present;
- Agree who will write up the plan and distribute.

## Engaging children and young people

The ALN Act requires that the views of children, their parents/carers and young people should always be considered as part of the planning process.

It is imperative that children and young people see the planning process as something that is done with them and not to them.

Schools must ensure that children, young people are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their ALN and ALP.

This includes collaborating with children and young people throughout the process of developing and reviewing IDPs.

### The value of obtaining pupil views

- Improved pupil engagement, wellbeing, and learning;
- Better relationships with staff and peers;
- Improved outcomes and progress for the child/young person;
- Enabling children and young people to influence decisions which affect them in order to make them more sensitive to their needs helping every child to fulfil their potential;
- The child/young person who is engaged in planning for their future can actively take part in target setting, which can lead to increased motivation during activities due to understanding of the long term goals;
- Increased opportunities for pupils to develop social skills and an increased understanding of their strengths and needs (School Council Wales, 2011).

### Information for children and young people

Information is central to enabling children and young people to make informed choices and decisions. Children can be included in all aspects of decision-making at some level, given the right support and the motivation.

Information needs to be available in a variety of accessible formats; visual or multi-sensory information is often easiest. Other examples include, easy read versions, photographs, pictures or audio.

They may need additional time or support to absorb and understand information and to develop their messages, responses or opinions .so they can contribute meaningfully and equally

Some children and young people are good at describing what they want or need –others need more support. Many children and young people with ALN are used to having decisions made for them. It sometimes takes a big shift for a child or young person to share their views or to make decisions for themselves

### Information for children and young people

- Create information in a range of accessible formats, such as easy read versions – it doesn't need to be expensive or difficult. Use photographs, shorter sentences or pictures
- Know the child or young person well and know their levels of understanding so that you can present information in an accessible way
- Give children and young people information in advance i.e. before a meeting or activity so they have enough time to absorb it and decide what they want to say about it
- Have different methods in place to ensure children and young people know how to make complaints or raise concerns
- About how to request an advocacy services; how to request support to avoid disagreements or ask for a case friend if appropriate.

## Supporting children and young people to participate

- Know how they communicate so that you can provide a range of opportunities for their contributions that include their preferred method.
- Ensure children & young people have been helped ahead of the review to gather information that can be shared at the meeting- support the learner to develop their one-page profile see: <https://gov.wales/how-prepare-your-person-centred-review>
- Be aware of the balance of power that exists between adults and children and young people and how this might impact on their involvement in meaningful decision-making.
- Ensure the process is child-centred. The learner should be central to any meeting
- Show child or young person that their views and their involvement is valued.
- Give children and young people with ALN enough time to contribute
- Make sure you give the child or young person the opportunity to endorse that you have interpreted their views correctly. Be careful not to lead or let your views bias the child or young person's views
- Use a variety of approaches. Person centred practices refers to a range of practical thinking tools which are established as good practice and focuses on the aspirations of the learner and their family.

Using a variety of methods including observation will make children and young people's participation more meaningful.

### One Page Profiles (OPP)

A OPP captures all the important information about a person on a single sheet of paper under three simple headings: 'what people appreciate about me', 'what's important to me' and 'how best to support me'. The purpose of the one- page profile is to give the reader information that will help them quickly form a rapport with the person and know how best to support them. A one page profile is developed by bringing together contributions from the child, their parents/carers, young people and teaching staff. This creates a rounded picture of the young person that reflects the young person's views and everyone's expertise.

<http://helensandersonassociates.co.uk/person-centred-practice/one-page-profiles/>



A photograph of a man and a woman smiling and looking at each other. The man is in the foreground, wearing a blue striped shirt, and the woman is behind him, wearing a white top. The background is a plain, light-colored wall.

# 3.

## The IDP Process

Collaboration, avoiding and resolving disagreement early

The inclusive process of developing an IDP and the requirement to take into account the views, wishes and feelings of the child, young person or parent is intended to help to overcome concerns and avoid disagreement.

The focus of schools and local authorities should be on providing families with the opportunity to raise concerns or questions at every stage of the process to prevent problems from escalating and to avoid disagreements.



### Schools should:

- Reassure children, young people and parents/carers that discussions and decision-making will be centred on the best interests of the child or young person;
- Create an environment where the concerns can be addressed quickly through open and constructive dialogue;
- Ensure decisions are properly explained and understood;
- Provide access to advice, information and support to families, young people and professionals;
- Ensure young people are able to state their concerns clearly having been appropriately advised of their rights and responsibilities, providing an advocate where necessary.
- Provide early access and encourage parents/carers to use the SNAP Cymru Disagreement Avoidance and Resolution Service.

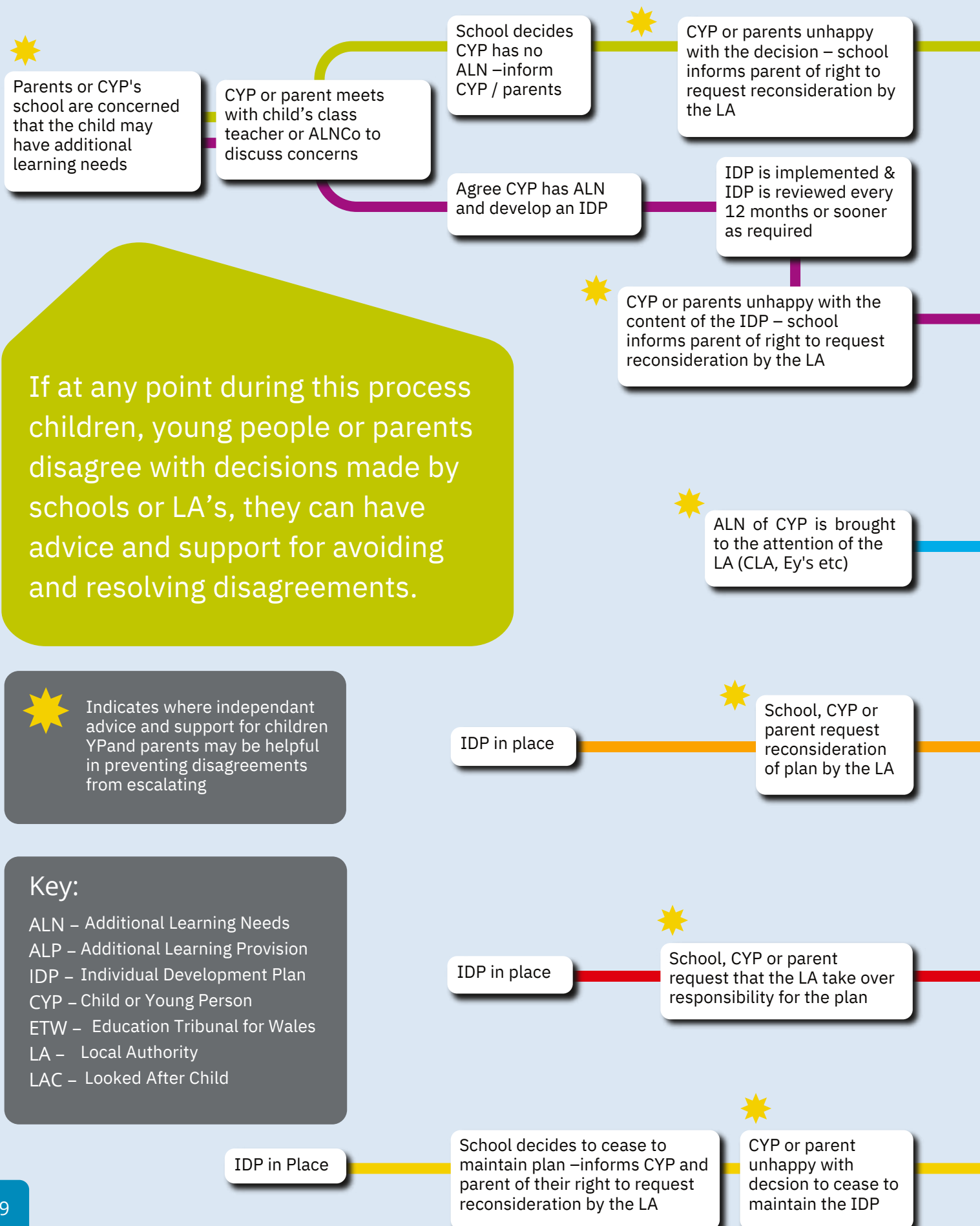
The chart on the following pages illustrates the process of responding to children and young people's ALN and the routes for developing an Individual Development Plan.

The map also shows the pathways for referring decisions for reconsideration to the LA and for redress to the Education Tribunal

Throughout the map there are points at which the LA must formally 'notify' the parents/carers of the Disagreement Resolution service, however, parents/carers and young people can access disagreement resolution services at any time throughout the process and early involvement of resolution services reliably prevents disagreement from escalating and should be encouraged and used at the earliest opportunity.

# The IDP Process

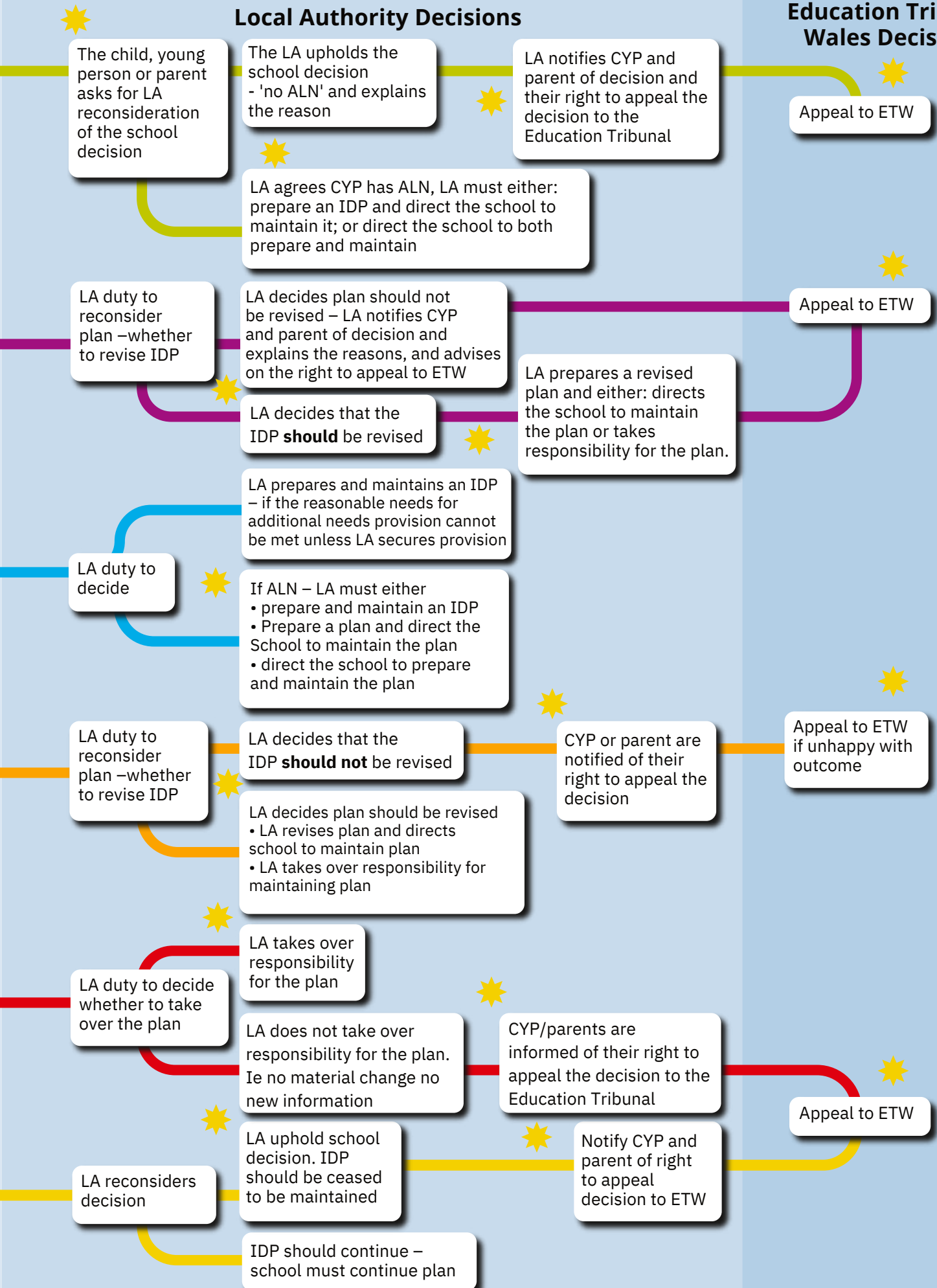
## Schools Decisions



# Dispute Resolution

## Local Authority Decisions

## Education Tribunal Wales Decisions





# 4.

## Resolving Disagreements

From time to time, disagreements about a child or young person's Additional Learning Needs or Additional Learning Provision can happen. The new ALN system places a duty on schools and local authorities to consider the views, wishes and feelings of the child, parents/carers or young people to have access to impartial information, advice and support.

## Ideas for resolving disagreements

The IDP process, using person centred planning approaches is collaborative and positive, however occasionally and despite everyone's best efforts the process can result in strained relationships which are never in a child's best interest.

Disagreements often occur when parents/carers have expectations of schools and the LA that are either incompatible with resourcing or that do not align with research or policy. As far as possible disputes should be avoided or resolved through dialogue at the earliest opportunity and at the most local level.

### Keep in mind that:

- Disagreement is a natural part of relationships.
- Disagreements that are resolved effectively can be a source for stronger relationships.
- Schools can be proactive to lessen the likelihood of harmful conflicts arising.
- Teachers and parents/carers may not always be able to manage and resolve conflicts – sometimes they need help from a third-party.

At any stage successful disagreement avoidance and resolution depends on the ability of everyone involved to develop a clear understanding of the issues and of the concerns. The child or young person's progress and well-being must be the primary focus of all discussions. Good communication and constructive thinking is critical. Successful disagreement resolution depends on the ability of all participants to think constructively throughout and avoid attitudes and behaviours that can block progress.

### Constructive thinking includes:

- Believing that a solution can be found;
- Believing that all parties are focused on the child or young person's best interests and want to remove any barriers to a solution;
- Accepting that there can be more than one way to solve a problem.

## If a disagreement does arise, it needs to be managed proactively and positively

- Acknowledge the young person or parents/carers feelings and concerns. By doing this, you are showing them that they are being taken seriously and that you respect their viewpoint. Without this a conflict can easily escalate, sometimes unnecessarily. Put the fire out as early on as you can!
- Pay attention to non-verbal communication, such as body language and tone of voice. Ask to clarify where the other person is coming from, and to be sure you understand what they mean. Speak slowly, as this can calm both of you down.
- Try and imagine where the other person is coming from and what is motivating their perspective. Remember that two people can have very different views of the same situation, so imagining how you'd feel and react from their perspective can help foster better understanding in any conflict situation.
- Be an active listener, showing respect for a parent's/carer's view. Be mindful of how words can be misinterpreted in emails and texts
- Clarify the problem, check assumptions and invite discussion.
- Let go of any notion that you are "right" and they are "wrong" – instead focus on mutually helping the child or young person
- Be willing to find common ground; asking for support from the disagreement resolution service is a positive option.

## Disagreement resolution do's and don'ts

Do's	Don'ts
Look for a solution	Look for someone to blame
Focus on the child/young person's interests	Focus on the personalities involved
Focus on the problem	Focus on control
Use dialogue	Take an adversarial approach and engage in debate
Think "everyone can win"	Think that "someone has to lose"
Focus on change	Focus on a predetermined outcome
Look forward	Dwell on the past

Approaches to resolving disagreements can range from relatively informal conversations to formal facilitated mediation meeting. Whatever the approach taken and at whatever stage it is important for everyone to keep an open mind during discussions and to be willing to consider creative solutions.

Dealing with disagreements requires a combination of knowledge about the relevant procedures and legislation, alongside skills for dealing with emotive issues sensitively and effectively. The manner in which the disagreement is handled can have a significant impact on relationships between the school and parents/carers and ultimately the child or young person. An approach that is either adversarial or dismissive can cause the disagreement to escalate unnecessarily.

Unfortunately, few problems just quietly and conveniently disappear. Disagreements have a way of turning into crises and when they do, you jeopardize the very relationships you wanted to protect by ignoring the issues

## Stages in Problem Solving and conflict resolution

- Define the issue, and determine how others define the issue;
- Discuss any opposing views and agree on a shared definition of the problem;
- Share information and ideas;
- Identify assumptions and related information/data upon which each party's understanding is based;
- Identify different points of view and clarify the thinking behind them;
- Highlight new ideas and information that may affect the outcome;
- Generate and explore possible solutions;
- Be realistic: identify the implications of each solution and predict consequences;
- Choose a solution and develop a plan for action, including outcome measures

## The following list of skills are a useful framework

**Skill 1** – Express yourself and describe your position. The best solutions allows for the legitimate interests of both parties. For this to happen, you must fully express your point of view and you must listen carefully to what the other parties are saying. Take the time to describe and explain your perspective. Give relevant reasons, examples, or evidence to help the parent understand why you have the point of view you do.

One of the key skills in problem solving is clearly disclosing your own interpretation of a problem and provide supporting reasons

**Skill 2** – Listen for deep understanding. Careful listening in response to complaints restores trust. Your respect for the other person's ideas and concerns helps build a working relationship. You should listen both to facts and understand how the facts have been interpreted. You must understand the emotional content of situation as well as the factual details. There is a long-term payoff, as well. Listening gives you the information you need to prevent or resolve similar situations in the future.

**Skill 3** – Check your understanding. Many disagreements escalate because of misconceptions. Make sure that you respond appropriately. Interactions that are emotive can easily lead to mutual misunderstanding.

**Skills 4 and 5** – Re-examine your point of view and help the other person re-examine theirs. People tend to hear information that confirms existing beliefs. Keep an open mind to improve the outcome. When people have not decided what the outcome should be, they are not so certain about their initial positions, they are more tentative and flexible in searching for a solution. Openness stimulates exploration of options and alternatives, and this, in turn, encourages the other person to take a more flexible stance. The ability to engage the other party in a reconsideration of their perspective is a high-level skill requiring that you both challenge and respect the other's point of view. This is where good listening pays off. The parent is more likely to follow your lead in re-examining your perspective if they feel you have really listened to them.

**Skill 6** – Agree on what to do next. Try to find solutions that satisfy the legitimate interests of all parties. Even after taking all of the steps above, the best solution may not be obvious to you. You must also work with stakeholders to craft the optimal solution.

Many people are more skilled at presenting their own position than in deeply inquiring into and checking their understanding of the views of the parent.

Based on the work of Deidre M. LeFevre and Viviane M.J. Robinson, Educational Administrative Quarterly, 2015, Volume 5, Number 1, pp. 58-95.

**Where it's not been possible to prevent disagreements arising, the focus will necessarily shift to resolving them as quickly and efficiently as possible. Early resolution of disagreements significantly benefits the child or young person and can avoid unnecessary stress and expense.**



## LA duty to make arrangements for disagreement avoidance and resolution

Each LA within the Central South Region is responsible for making independent disagreement resolution services available to parents/carers and young people within their area.

This service is currently provided by SNAP Cymru. Use of the disagreement avoidance and resolution services is voluntary and has to be with the agreement of all parties. The service, while commissioned by the LA, is independent of and is independently managed and audited.

All children and young people that have ALN have access the disagreement resolution process. It is intended to provide an impartial, trusted and non- adversarial way to resolve disagreements from the earliest possible date

The purpose of disagreement resolution is not to apportion blame, but to seek to resolve disagreements by achieving a solution to a difference of views in the best interests of the child or young person.

### Benefits of using Disagreement Avoidance & Resolution Services

- Disagreement avoidance & resolution arrangements cover all children and young people with ALN, not just those who are being assessed for or have an IDP;
- They provide a quick and non-adversarial way of resolving disagreements;
- Are practical and accessible help to bring together the relevant parties to achieve early and informal resolution of disagreements through discussion and agreement;
- Used early they can prevent the need for more formal mediation and appeals to the Tribunal;
- Arrangements are informal and accessible, and provide a simple process designed to bring schools/LA's and parents/carers together to identify concerns and clarify issues to reach a resolution;
- Parents/carers can access the service at any time in respect of disagreements;
- The aim is that this will generally reduce the need to take a dispute to the tribunal. It should lead to a quicker resolution of any disagreements, save significant time and money, and minimise disruption to the child or young person's learning;
- Used effectively this service can help reduce stress amongst school staff and parents/carers and restore relationships;
- Independent sources of information and accurate interpretation of the law and regulations are key to keeping everyone working together in partnership.

Research shows that independent services are often greatly valued by parents. For example, consultations by Opinion Leader (2009) found that parents valued having an impartial perspective, and found meetings with the school 'less intimidating' when an independent parental supporter attended the meeting.