



London SEN Mediation Service

Policy on the attendance of legal representatives

- **The SEN Code of Practice states as follows:**

“2.26 The aim of informal disagreement resolution arrangements is to prevent the development of long-term problems thus reducing, in time, the number of appeals going to the SEN Tribunal....”

“2.27...It is not envisaged that the various parties would require legal representation at this stage; that would be contrary to the spirit of informal disagreement resolution....The purpose of disagreement resolution is not to apportion blame but to achieve a solution to a difference of views in the best interest of the child.”

- **The London SEN Mediation Service (LSMS) recognises and acknowledges the above and that the attendance of legal representatives at mediations is the subject of debate.**
- **LSMS is neither in favour of nor against active participation of legal representatives at mediations.**
- **Rather than focus on the inclusion or exclusion of legal representatives, the LSMS places the primary emphasis on the needs of the parties to the disagreement:**

LSMS recognises that in some cases the purpose of a mediation is to resolve a disagreement which is already well into litigation mode. In such cases both parties may have legal representatives who form an integral part of a collective decision making team. In these instances both parties may wish their legal representatives to attend the mediation.

- **Therefore, should all parties agree to legal representatives participating in mediation the LSMS will facilitate this request.**
- **Legal representatives are expected to help the parties foster a fair, open and respectful dialogue that is child centred.**